

MASSACHUSETTS QUARTERLY REVIEW.

NO. IX.—DECEMBER, 1849.

ART. I.—1. *Speech of Mr. Hunter, of Virginia, on the Oregon Territory Bill, in Senate, July 11, 1848.*

2. *Speech of Mr. Underwood, of Kentucky, on the proposed Compromise Bill, in Senate, July 25, 1848.*

3. *Speech of Mr. Berrien, of Georgia, on the proposed Compromise Bill, in Senate, July 26, 1848.*

4. *Speech of Mr. John M. Clayton, of Delaware, in defence of the bill to organize Governments in Oregon, California, and New Mexico, in Senate, August 3, 1848.*

WE put the foregoing speeches at the head of this article, not because they contain the best arguments in favor of Slavery, for we have seen more ingenious ones, and more delusive; nor that we propose to subject them to any very extended examination, for where these arguments are of seeming worth, they have been examined long ago, and refuted. Yet we may occasionally sift some of their statements, to see whether they be true or not; for it is not now, as it was a long time ago, that any statement, however unfounded, any argument, however weak, in favor of Slavery, would be sufficient to strengthen it and raise a laugh against the abolitionists: These times are nearly, if not entirely, passed by, and the nation is now engaged in a more serious investigation. But our main design in citing these speeches,—for we have other matters behind that appear to us more important,—is to let our readers know how this question, now that it has broken in on the Senate, in spite of all their management to keep it out, is entertained by a body pronounced by its own members to be the most dignified deliberative one in the world; and on what trashy notions and imperfect statements our legislators

are content to decide the great question of the age. As they will probably, and we think almost certainly, not decide it dispassionately, they will as certainly not decide it as wisely as it can be decided; for whilst we have full confidence in the opinion that no sound argument proceeding from sound premises can ever lead to a result manifestly unjust, we well know that a practised and self-possessed speaker—one who is striving to gain a present advantage, right or wrong, on some particular question—may so adroitly, yet untruly, present his premises, that an argument fairly built on them may conduct us to a mischievous conclusion. We do not intend to charge our more experienced Senators with trying this scheme on the younger ones, nor, indeed, do we know that it was at all called for; but in such cases it is only necessary,—and we are not going to deny that it often demands good talents and great vigilance,—to detect the overspread and concealed flaw, in order to show that the argument has no proper application to the subject.

One thing must have struck all, who, like ourselves, have waded through nearly the whole, if not the whole, of the slaveholding Senatorial speeches on Slavery—their *utter heartlessness*.* They seem never to think that the negro slave is any thing but dead, insensible material, to be moulded according to their fancy. It does not appear once to have entered their minds that he is their brother, and that in attempting to injure him they are sure to injure themselves; that he is a member of God's family here on earth, and that he requires a training to act well his part for the world that now is, as well as preparation for that which is to come; that he has any claims to the blessings of freedom, or desire for them; or that there is any duty on the part of those who restrain him from his

* We wish we could say this temper was confined to the slaveholders. In the proceedings of the Senate, January 10, 1849, as reported in the *National Intelligencer*, Mr. Douglass of Illinois is represented as having made some remarks beyond what we have, of late years, seen as coming from a Senator from the Free states. In speaking of Slavery he says: "Bring these territories (California and New Mexico) into this Union as states, upon an equal footing with the Northern States. Let the people of such states settle the question of Slavery within their limits, as they would settle the question of banking, or any other domestic institution, according to their own will. Whatever that settlement may be, I shall be content with it." Mr. Douglass boasts, too, at this time of day, that he has "voted to keep abolition petitions out of these halls." As he pronounces it a "libel" to say that Northern Senators have not always maintained their rights, we commend to his perusal the law for the distribution of the surplus revenue, and the one for the armed occupation of Florida, as it is called.

liberty, to restrain him no more — or that to him the truths of the Declaration of Independence, pronounced to be “self-evident,” have any application. These notions seem to be entertained, too, after all the slaveholder has said about the love and esteem and affection, that often spring up between the master and the slave. This sentiment is to be found in Senator Underwood’s speech, tainting it from beginning to end, and if we mistake not, it is equally discernible in all the others, whenever there is occasion for speaking on this subject.

In Mr. Underwood, we acknowledge we have been mistaken. A long acquaintance with him, begun in early life too, led us to expect other and very different things from him. We had trusted that Slavery, bad as we know it to be, corrupting as it often, perhaps inevitably, is, to the noblest natures, had not gone very far in its destructive work on him. If the opinion that we have now formed is a wrong one, we wish it may be so proved, for we had hoped that the firmness and moderation and conscientiousness of Mr. Underwood would greatly contribute to soften and modify, if they could not entirely remove, the evils that unguarded and passionate men connect with emancipation — an event that now seems unavoidable, and that before very long. But when we hear him saying, “I feel no more responsibility for the existence of the institution” — an institution in which he is an agent, and for the support of which he is doing all that he can do — “than I do for the time and place of my birth,” we are free to acknowledge, that our fears, so far as he is concerned, are greatly aroused, our hopes much weakened. Entertaining this opinion, it is no wonder that the constancy of the abolitionists should seem to him as the most consummate obstinacy, and that it should draw from his impatience these remarks :

“I am disgusted, I am incensed at the conduct of those who are perpetually goading us on the subject of African Slavery, and I beg leave on this occasion to expose their errors and suggest what they may do to benefit both the black and white races, if their benevolence were guided by intelligence and true love for their species. They do not understand the subject on which they write and speak so much. Certain it is, their opportunities to understand and comprehend it are not equal to those possessed by us, who live in the midst of slaves, and from necessity have daily intercourse with them.”

To one who thinks that slave-holding is an affair of very small concern, if of any concern at all, these are quite natural sen-

timents — exactly such as it might be expected he would utter. But if to reduce our fellow-man to slavery — to American slavery ; to divest him of every right which his Creator has given him, and which we acknowledge to be “self-evident” ; if to disqualify him for acting his part in this world by reducing him to an article of sale, and throwing impediments in the way of preparing for the life to come : if all these are to be regarded as of trifling consequence, if they give no *character* to the system whence they flow, then are the precious and the vile equally objects of indifference. But if to do these things be as wicked and unjust as it has been supposed to be, then does Mr. Underwood furnish, in his own case, irrefragable proof of the hardening influences of Slavery, and of the pressing necessity of at once putting an end to it. For an American Senator, to whom is entrusted the interpretation of a Constitution intended to advance liberty and establish justice, and not to advance and establish slavery, their most direct antagonist, this is too much. Why, an East India Thug, whose education is to murder his fellow-creature and rifle his dead body, might reason as logically as Mr. Underwood does, for well might he say —

“I am disgusted, I am incensed at the conduct of those who are making such an ado about the murders and robberies of our people. Let them give vent to their benevolence in some other way than in meddling in our pursuit. With this they would have nothing to do, if their benevolence were guided by intelligence and true love to their species. That they fully understand Thug-murder and robbery, about which they write and talk so much, no one can suppose. We are only pursuing the calling to which we have been brought up — the same that our fathers followed before us. At all events, if there be any guilt from its continuance, that belongs also to us, say nothing of those whom Providence casts in our way, to be killed and robbed!”

But is Mr. Underwood serious when — according to the old saw, always at hand with shallow and unreflective men — he charges the abolitionists with not understanding the subject of Slavery ? He seems to think, indeed, that to arrive at full knowledge — necessary knowledge — one must be a slaveholder himself, and live in the midst of slaves. But does the Senator really think so ? As well might he contend that a man must be a practiser of every sin forbidden in the decalogue, of every vice with which society is afflicted, before he can have knowledge enough to take the first step towards

removing any of them. And as, according to the Senator's notion, the knowledge acquired by a year or two's addiction to any particular vice must be small, when compared with what is gained by consecrating a whole lifetime to it, by being immersed in it—he who is oldest in any vice, other things being equal, is the best qualified for its removal. It is difficult to treat such an argument, if argument it may be called, in a serious manner. A smaller one was never before found in the mouth of an American Senator, or addressed to an American Senate: and on such a question! Surely, to break such a fly upon a wheel would be disproportionate labor. Mr. Underwood is yet to learn what, no doubt, appears incredible to him now, that he knows little of Slavery in its moral aspect, compared with what he will know of it, if ever he becomes repentant for holding his fellow-creature—his brother—in bondage, and, from a sense of duty, sets him free. Maltreatment of the slaves, scenes of cruelty, in which they are the sufferers, have but little abiding influence on the slaveholder. We are ready to admit that he may think they are cruel, unfeeling, sanguinary, and that he would not be an actor in them, but the impression, most generally, is shallow and evanescent. It is only when he ceases to be a slaveholder, an oppressor, that these scenes, in frequency and magnitude, rise up before him; that the truth shines with painful lustre on his memory, and that he wonders with shame and confusion, that the suffering, the torment, the agony of his brother, produced such a slight and transient effect on his mind.

But is there any truth in the statement which Senator Underwood has hazarded, that the abolitionists of the North do not understand the subject of Slavery? If they do not, they are dull scholars, and much to be blamed for their unapprehensiveness, for Southern slavery has always, unless of late, been open and conspicuous. The slaveholder has been more frequently estimated by the number of hogsheads of sugar, or bales of cotton, or bushels of wheat that he could bring into market, than by any other standard; for these showed, to all practical purposes, how many of his fellow-creatures he held in slavery. We may profess to know much about ancient slavery—Jewish, Grecian, Roman; also about modern slavery—Russian, Mahommedan, African, British, French, so long as the two last existed; and about the *modus operandi* of these we may talk with a good degree of confidence, almost with certainty. But when we come to American Slavery, some

slaveholding prophet cries out, Away ye profane ! a more than masonic mystery lies there, which none but a slaveholder can unfold ! Now there have been in the ranks of the abolitionists those who have once been slaveholders ; those whose age is not below Mr. Underwood's, and whose opportunities of well knowing all the secrets, if there be any, of the "peculiar system," have at least been equal, and perhaps a little superior, to his. They, in order to defend themselves and justify their course, told the most horrible things of Slavery, as it was natural they should ; that it abounded in enormities and cruelties, and that, in fine, it was the complication, the consummation, the end, the "sum of all villanies" ; that whilst there was no mystery about it — whilst it was open to the examination of every one, — yet the passions of men would, every now and then, vent themselves on their victims in some new and unheard of manner ; that whilst the degeneracy, the still further degradation of the slave, occasioned confusion, bred distraction, caused the deepest unhappiness in families, it rarely failed in its work of deadening the moral feelings, infecting the character and destroying the self-respect, either of the master, or of some important member of the family ; for thus is seduction of others into vice, in the long run, repaid !

Now, according to our judgment, one of the best opportunities we have ever known was here presented to correct errors and give information, which the whole people, especially those of the North, needed. It would be relieved, too, from the objection that it would be attended with no practical results ; because it is supposed, and feared, by the slaveholders, that Congress intend to decide the question of Slavery on their present imperfect information. No place could be more suitable than the Senate of the United States, where error is most certainly yet tenderly exposed, and an account of whose daily proceedings is sent into every part of the land. No person could be more properly selected to publish a revelation of importance enough to reverse the wheels of the government, than a wise, experienced, and impartial Senator. Yet, notwithstanding all these advantages, the disclosure is not made by Mr. Underwood or by any other Senator, on this subject. But Mr. Underwood contents himself with petulantly saying, as had been petulantly said hundreds of times before, that the abolitionists did not understand the subject of Slavery. Even now, before this question is fully determined by Congress, — especially if we are to judge from the acquiescent and tame spirit

with which the expulsion of Mr. Hoar and Mr. Hubbard from South Carolina and Louisiana was received by the state which despatched them on their equally constitutional and humane errand, — we hazard nothing in saying, that, even at this late hour, any important disclosure will not be disregarded, but have its proper influence. But let it be precise, and apply to points on which slavery turns, and not on its mere *circumstances*. Let us not be told, that we are mistaken as to the *amount*, the slave, the laboring man, of the South receives for his work. It will be no answer, to say, that the master gives good clothes and good food to his "house servants," and, now and then, throws to a favorite field-hand a bundle of old duds that a Jewish clothes-broker of London or Paris would almost disdain to pick up and add to his store: — rather let us be told, that we are mistaken in having supposed, that they who cultivate the fields and "wait" on the owners of them, have no unrestricted legal resort to recover their wages, when withheld from them. Let us not be told that we are mistaken as to the *number* of slaves, in any particular district, that can read; or that they prefer continuous labor to the improvement of the facilities that God has given them: — rather let us be told that they can go to school and improve their faculties as they list. Let us not be told, that we have been misinformed as to the *manner* of feeding the slaves at the South — that they are not fed like pigs, in troughs, and guzzle down whatever is thrown in to them: but rather let us be told, that they are fed at tables, like decent people, and on sufficient and wholesome food.* Let us not be told, we are mistaken as to the *number of families* that are separated and broken up by sale, rather let us hear that no man can sell a fellow-being, or forcibly separate a family. Let us not be told that we are mistaken as to the *number of Bibles* distributed among the slaves, and as to the *amount* of the hindrance or prohibition of their reading them, or having them explained by persons of their own choice: — rather say, they are encouraged, and have every opportunity to prepare for eternal life.

These things, and others of a similar character — bad enough,

* Some of the Slave states are farming, or slave-selling; others, planting, or slave-consuming. Whenever provisions or the materials for clothes are grown at home, as is most generally the case in the former, the slaves are, comparatively, pretty well fed and clothed. But when they are bought, as they are in general in the *planting* states, the slaves, for the most part, are poorly fed and scantily clothed.

to be sure — are but the circumstances, the aggravation, of the system, but they are not the system. They are the bitter waters of the fountain, and they may be made more or less bitter, according to the temper of the slaveholder, after they have issued from it; but they are not the fountain. On these circumstances we have never made the question of Slavery to turn, but on the unlimited power which one man, subject to human passions, with these passions nourished and strengthened by such power, especially with his thirst for gain to prompt him to oppression and wrong, has over the body, and the mental and spiritual improvement of his brother. The exact number of stripes which the Senator, or his proxy, the overseer, inflicts on his slaves; the character of the food he gives them, whether meat and savory viands, or some cheap refuse, rendered palatable to a long trained appetite by the hopelessness of getting any thing better — these things may not be accurately known, even to his nearest neighbours. How naturally, then, may distant persons be expected to make mistakes about them! Besides, as Slavery with us covers such a vast extent of country, and as its productions are so various, what, with perfect truth and propriety, may apply to one part, is taken up and denied by another, as untrue when applied to the *system* throughout the land.

But we would do Mr. Underwood no injustice. Being a slaveholder "and to the manner born," he has from his youth gradually and unconsciously succeeded in quelling the finer feelings of his nature toward his fellow-man; particularly to the most helpless part of them, the slaves. He, no doubt, views the slaves as, in some measure, made for their present condition; thinks they ought to behave well, be reconciled to their enslavement, and in *his* sense, be treated well. We think it altogether likely, that when there is an outbreak among them to regain their liberty, — most generally an injudicious one, from their ignorance and incapacity for combination, — he looks on the acts perpetrated by the whites to restrain them as cruel, bloody, merciless. No doubt they are, for the majority of men rather act from what they feel they deserve at the hands of the slaves, from the horrors that an awakened conscience presents, than from a sober contemplation of the undisciplined, scattered, and unarmed force with which they have to contend. But we take Mr. Underwood not to be of this sort. With him, fear and conscience do not keep nature from asserting her claims. In his heart, if not in his mouth, he will palliate,

in some measure, the unwise struggle of the slaves for their rights,—rights to which, as human beings, he knows they are entitled; rights which we acknowledge are “self-evident,”—whilst, doubtless, he is shocked at the sanguinary deeds, thought necessary to keep them as slaves. But extraordinary instances aside, he is “disgusted and incensed” that the people of the Free states have not succeeded, as well as he has, in dulling and putting asleep their good feelings for the slaves. But Mr. Underwood must know, that, in the evil day when slavery was temporarily allowed to the South,—and we fully believe that this allowance was only temporary,—that there were persons in the Free states who could feel for the slaves; who could view them as their brethren—their wronged and suffering brethren; whose opposition to Slavery would grow with their growth and strengthen with their strength, and to whom laws and constitutions, no matter how solemnly enacted, requiring them to behave meanly and inhumanly, would be as bands of burnt flax to the strong man. Let him know, that these persons, when they see the South faithless to its promises—attempting to convert these temporary provisions into permanent ones; when they see that the government of the Union is controlled by slaveholders who seek to use that very government for advancing and establishing slavery rather than liberty, and openly to extend the curse of slavery to climes that may be said never to have known it,—let him learn, we say, that these persons look with abhorrence and detestation on laws and constitutions so perverted; and that these laws and constitutions never can be steadily enforced, unless it be by a tyranny too rigid, a despotism too unlimited, to be quietly borne by us here.*

Now, after Senator Underwood has sung this “*Io Triumphe*,” and, with becoming modesty, has told the abolitionists of the North that they do not understand the subject of Slavery, about which they write and speak so much,—and all this, too, without the slightest attempt, on his part, to enlighten them,—it turns out, a good deal to our surprise, we acknowl-

* The surprising want of accurate knowledge, possessed even by slaveholding Senators, in regard to legislation by the Free states inflicting penalties on their own officers for aiding in retaking fugitive slaves,—a business confined by the Constitution of the United States, as interpreted by a judicial decision, to officers of the United States,—was fully shown in the debate in the Senate, Jan. 22nd, 1849, on the presentation of the resolutions by the Legislature of New York.

edge, that he avows himself "no advocate for the institution of Slavery." Not he; and why is he not as credible in this matter, — "for he is an honorable man," though he hold his fellow-being in slavery, — as was our late President, who is represented as a "*peace man*," though he invaded Mexico, and tried his best to subdue it by arms; or as the duellist, who says he is opposed to fighting, and who fights, not for the love of it, because there is too much risk of life in fighting, but only when he thinks it necessary? We see, then, no reason, judging by this standard, — a standard which, in spite of all acts to the contrary, takes the culprit's testimony in his own behalf to acquit him, — why we should not set down Senator Underwood as no advocate of Slavery. But it is on the condition of colonization. His plan is a short one; it has, at least, that good quality, if no other, and therefore we will give it: —

"Let a future day be fixed," says he, "after which every slave child born shall be the property of the State; [for instance, Kentucky;] place the children, when weaned, in the hands of those who will raise them — females till they are eighteen years of age, and males till they are twenty-four or twenty-five, and upon their reaching these ages, send them to Africa. These, in a few words, are the whole scheme."

This project of emancipation was broached by Mr. Underwood, perhaps, fifteen or sixteen years ago, in an address delivered by him to the Kentucky Colonization Society. We believe it has found but few to favor it. But we have no more doubt of its proving effectual, if it can be carried out, than we have that the most destructive fire can be extinguished by pouring enough water on it. But the difficulty is, always has been, always will be, how the water shall be obtained, conveyed, and applied to it. The Senator's scheme has one defect, which all others of similar character have, and which gives it but few supporters: it is intended to put an end to Slavery. A plan to remove free colored persons to a distant land, to build up with them there a great empire, has about it a good deal of the romantic to attract men. But when you propose to take the slaves, at the most valuable period of their lives, out of the hands of their masters, on whose plantations they may have been born, with a view of removing them to Africa, the country to which they are going all at once becomes sickly; the colony is already over-crowded;

the scheme loses its romance, ceases to be pleasing to slaveholders, and finds few supporters among them. The plan of Mr. Underwood will hardly be revived, except now and then by himself, and for the reason we mentioned. Whenever the slaveholders make up their minds to abolish slavery,—and we see not how they can be brought to this point but by the action of the government,—they will adopt a much more simple plan than Senator Underwood's. Admitting them to be brought to it, however, we have no doubt that they would choose *immediate, unconditional, and universal* emancipation as the wisest, safest, and happiest plan that could be adopted. But till then, any proposition—we care not whether it is immediate and universal, or partial and prospective—that seems efficient to that end, will meet with their opposition or neglect. In these remarks we say nothing as to the policy or humanity of sending the colored man, the laboring man of the South, out of the country in which he was born, while we are welcoming, almost every day, unacclimated laborers from any and every land under the sun, except Africa. But as we think the whole scheme impossible, even if it was desirable, we care less for its consequences in this way. But the bare attempt,—the harassing, the persecution of the free colored man, the breaking in upon his quiet and improvement,—we look on as impolitic as it is inhuman and wicked.

We have gone so much further than we at first intended, in our remarks on Mr. Underwood's speech, that we have left ourselves but little room—without foregoing our main design too much—to examine the others. We shall therefore be restricted to short samples of them, requesting those who have the curiosity and can spare the time, to read those speeches through. Our first attention shall be given to that of Senator Hunter.

It was, formerly, no mean proof of a pretty thorough-paced slaveholder, that he would not consent, in any way, to have the question of slavery argued in Congress. Although he was lavish in his condemnation of the ignorance and error of the inexperienced, and although he professed to have all the treasures of knowledge confined to himself and his slaveholding confederates, yet there appeared to him something degrading in submitting the alleged evils of a merely domestic matter, as he was wont to regard Slavery, to the consideration of the uninitiated. Especially did he think so, if any thing was to be done to correct them. To abolish the system, more particu-

larly after the Missouri Compromise, never once entered his thoughts. But Senator Hunter, seeing that the ignorant *will* argue the question, with a view to *decide* on it, too, whether the learned will assist them or not, descends from this high position, and although he joins in the discussion, he does not forget to admonish all, in the outset, that the things he has heard "are hard to be borne." To limit a slaveholder to slaveholding regions; to restrain him from going to one of our free territories, and there setting up his impudent pretensions to dominion over his fellow-man, to give him *his* law,—is, "at least, calculated," as Mr. Hunter thinks, and he has doubtless made the *calculation*, "to stir the blood of every Southern man." But lest his brother Senators might be frightened at the introduction of a lion among them, he tells them, substantially, in his exordium, that he only personates one, that he is "a very gentle beast and of a good conscience;" "that he will endeavour to keep down any rebellious feeling" that may "struggle for utterance," and "discuss this question dispassionately."

Before Senator Hunter comes to the horrors of doing right,—horrors which he means to hold up, and which, although they are stereotyped, have been so much used that they are now nearly, if not quite worn out,—he makes another appeal, also very old, and far more effectual in by-gone times than now. This appeal is to our fears. Whether he intends that his associate slaveholders shall gird on their swords and do battle, or that they shall quietly dissolve the Union, is somewhat uncertain. Though, as he seems to think they are well prepared for either, they can adopt such a course as appears to them best, even if it be both. But that others may also judge, we will let him explain himself:—

"But can it be imagined," says he, "that the Southern states could submit long to a system of such insults and oppression? Why should they? Look to the elements of social strength and greatness already existing in the Slaveholding states. If they submitted, it would not be for want of strength enough to ensure domestic peace and secure themselves from aggression from without. But, sir, does any man believe, that the Southern slaveholder would fold his arms in mute subjection to a system of oppression, which day by day wasted his spirit, wounded his self-respect, and robbed him of his rights? Would he quietly submit to all this for the sake of union with those who were placing himself and his children in a situation worse than that of their slaves?"

Now, can the people of the North be supposed to be so dull as ever to imagine that the slaveholders want *separation* to make Slavery more secure? Of all the events that could happen to abolish it, none could be more effectual than this. The slaveholders know it, and are we to suppose that the most considerate of them,—men who, at last, will bring the rest into their measures,—would adopt an expedient that would certainly defeat the avowed cause of the separation, and make them the most pitiable and helpless, if not the most contemptible people under the sun? Their talk about dissolving the Union is nothing but a grandiloquent boast,—though they will use it as a device that has been successful heretofore; but when they see the North *determined*, they will cease even from that; the late Virginia and South Carolina resolutions to the contrary notwithstanding.* As to their fighting, and if there be any fighting done, the South must begin it, nothing can be more out of the question and impossible. And as to their fighting the people of the North, nothing can be more absurd. If we could laugh at lunacy, we could laugh at this. It reminds us of a female, weak at best, in a situation more than any other requiring help from her best friends, talking about fighting all who would assist her. If the South come North to fight, leaving her slaves behind, they will certainly lay hands on all within their reach. This consideration will force the combatants to bring their wives and children along with them, not very good aids in battle—and in the trepidation with which they would be beset, they would not be in the very best condition for fighting. Rely on it, with the exception, perhaps, of a few high-mettled young men, or silly old ones, who ought, by no means, to direct such affairs, there will neither be fighting, nor the inclination to fight. The greatest difficulty will, probably, be in prevailing on the North to maintain the ground already gained, giving ear to no compromises, and advancing to grounds still higher.

* The North has been managed by the South, as far as regards Slavery, on this principle: The North considered the Union, (unimpaired, of course,) as their highest political interest—the South, Slavery. When the South wished to advance Slavery, or defend it from any assault, they had only to threaten the integrity of the Union. The latter endeavoured to convince themselves, that, as Slavery was not among *them*, it was rather a Southern concern, and controllable exclusively by the South, who alone were affected by it. They, therefore,—for they believed the South,—thought they had driven a good bargain, in making any concession, however great, to Slavery, when, by so small a matter as they considered it, they had preserved what was *first* with them. “To save the Union,” has been the cry of some of our most accomplished demagogues.

But Senator Hunter forgets the promise he made to discuss this subject "dispassionately." Like the warhorse, he snuffs the battle from afar; and such a battle! One waged against a part of his brethren because they interfere to prevent him from enslaving another part of them! Magnanimous cause! In his excitement he lets off the usual, though now innocuous, volley of southern rhetoric, and talks of "domestic altars wrapped in flames"; of "midnight assassins"; "of his hearthstone"; of "slaking the ashes"; of "the best blood"; the "dearest blood of his household," &c., &c., &c. Yet, in true chivalrous style, he "begs pardon" for the feeling he has betrayed; but like Bottom, the weaver, he seems to say, "let the audience look to their eyes."

If we could, in any way, separate the multiform — we were about to say the inseparable — adjuncts of Slavery from the "system" itself, and look on it after the manner of a Virginian, who seems to regard it as little else than an "abstraction," we should, in our strong desire to accommodate the slaveholders, be half inclined to grant them what they so earnestly wish. They think, with Senator Hunter, that to deprive them of what they choose to call the "right" of enslaving their fellow-man, and of doing all that a slaveholder can do with his victim, "brands them with the badge of inferiority," and that it denies them what is "not merely important, but essential to their very prosperity and existence." I see no reason to doubt, that, in this matter, they think honestly; for with rare exceptions, they judge rather meanly of a government under which slavery is not allowed; and a slaveholder, particularly if he is a large one, looks somewhat suspiciously on the resident of a free state who has none of his fellow-creatures in bondage. A slaveholder of the third or fourth generation, especially if he be brought up in Virginia, or in any of the old Slave states, is the last person on earth to think that he can exist without a slave to brush his hat and coat and clean his boots.

In the warmth of his excitement, too — with the pleasing images which Slavery presents — and without once seeming to recollect that the Slave states are considered, by all impartial and well-informed persons, as a mere dead weight, a clog, to the Free states in their upward tendency toward civilization, Mr. Hunter thinks, that if Slavery were undisturbed, the situation of the Union would be far too high and enviable for his descriptive powers even to attempt to do it justice. On this theme he thus descants:

"You would then have," says he, "an harmonious, prosperous, and happy confederacy. Who would then undertake to assign the limits to future progress, if we thus moved on devoid of sectional jealousies and hostilities? Imagination halts at the attempt to conceive it. It is not for my pencil to make the effort to paint such a future."

After showing, at least to his own satisfaction, what has never been denied, that the North "have no right to trample upon the rights" of the South, or indeed of any of the states, "or to disregard the obligations imposed by the Constitution;" after threatening them with a dissolution of the Union, and using the commonplaces of "blood," "arson," "murder," "assassination," &c., &c., of the whites, by the slaves, in the event that right and justice be done; after portraying so vividly, in the passage just quoted, the many advantages that an authorized, quiet, submissive, and well-protected slave would produce to the Union, the speaker makes an admission, which, plain and obvious as it is, Southern politicians do not often make, and which calls for some explanation. In these almost humble terms he acknowledges the political superiority of the North:—

"The Senator from Massachusetts said that the Slave states had grown relatively faster than the Free. Is it not obvious that he was mistaken? Is not the relative power of the non-slaveholding states greater at this day in the House of Representatives than when the Constitution was formed? No man can doubt it. . . . Is it not obvious that the non-slaveholding states possess an increasing superiority. . . . Who in his senses, then, can pretend to believe that the Southern states will acquire superior power in this confederacy? No, sir, No. That can never be our lot; we know it, and acknowledge it. If you were to permit us to live in this confederacy hereafter as we have lived heretofore, as your equals and brethren, the whole result would be, not to change to any sensible extent, the relative degree of power possessed by the two sections of the Union, but to secure to you the united exertions of all for the good of all."

The design of the above passage is to show, that the North should care so little and feel so little about Slavery, that the question should never more be agitated by them, but be one of the admitted interests of the country, whose existence and entireness should be the common concern of all—the common defence of all. In order to cajole the North into this he makes an open acknowledgment of the superiority of their political

power. Senator Hunter, notwithstanding his assertion, and the assertion of many others, that the South has full power to defend successfully any of her institutions against all opposers, has not forgotten to do what the most chivalrous slaveholders *will* do, when they deem it necessary, — “eke out the lion’s skin with the fox’s tail.” The admission of political superiority is made here in the same way, and with the same mental reservation, that the admission is made of any superiority in the conveniences of living and improvements of every sort, of the Free states over the Slave states. While these conveniences are overt, undeniable, the slaveholders still think that *they* are superior to the non-slaveholders; that whilst the latter toil like the slave, and increase in the small way, *they* are more liberal; that whilst the people of the Free states, from their closeness and parsimony, merit the name often given them at the South, of a “sixpenny, picayune set,” *they* are more generous; that whilst the people of the Free states are engaged in a close, small business, *they* pursue a much larger, more ennobling one — are more magnanimous; that in fine, as Senator Hunter would say, by birth and occupation, they belong to the “governing class.” But lest we extend our remarks on Senator Hunter’s speech to too great length, we have to leave many of his odd notions unexamined. As a whole, his effort, with the exception of that part of it which attempts to prove that Congress has the right to legislate for the Territories, a thing which, to all sensible and impartial persons, cannot be made plainer, is an incoherent and absurd rhapsody. Those who read his speech with a view of gaining information, which, it may be supposed, every intelligent slaveholder possesses, and on such an occasion would take pleasure in imparting, will be disappointed. However, it will serve to show what opinions are entertained about Slavery in the class from which Mr. Hunter comes. But it is a consolation to think that they are the opinions alone of that class. The great body of the slaveholders, to say nothing of those who are not, do not entertain such ultra notions. The Senators and the other members of Congress have been elected for some time back, and they are elected now, for their fidelity to the cause of Slavery. We do not intend to say that no other qualification is required, but on this subject no man at all *suspected* would be chosen. To be considered, then, as altogether above suspicion, the most high-strung and uncompromising opinions are given out.

But Mr. Hunter does not himself appear to have formed any very distinct notions about Slavery — a matter concerning which almost any slave in Virginia could be his teacher. “If,” says he, “it be the control which man exercises over man, or if it consist in the degree of that control — when you have ascertained the line where that control is freedom, and where, on the other side, it becomes slavery, you may find at home an application of your definition. Are we told that the good of society calls for the relation of parent and child? who does not know that the control often exercised by the parent over his offspring is as despotic as that of the master over the slave. If the good of society, then, call for this relation, *a fortiori* the good of society demands that when two such races come together as are found side by side with us, that the weaker should be reduced to the dominion of the stronger.” The “inequalities of human condition,” among which Mr. Hunter puts Slavery, he says are “inevitable.” “Establish what laws you will, you cannot prevent it. You cannot prevent the inferior from being enslaved, either as a class or as individuals.” He very religiously concludes, that it is uncontrollable, because “an ordination of Providence.” What a God must Senator Hunter have, and what parents must there be in Virginia, who are not disgraced by treating their children as the slaves are generally treated!

Mr. Hunter, as might naturally enough be supposed, has a gloomy and uncomfortable view of the race to which he belongs. Instead of entertaining the belief that men are born to assist each other, to make each other more happy, that strength is given to the strong to aid the weak, he says, “the whole progress of ordinary life seems to consist in a series of victories achieved by the stronger over the weaker”; “that as, amongst herds of animals, the stronger appropriates the larger share of the food designed for all, and appropriates it at the expense of the weaker, so, of the races of man, the superior subdues or supplants the inferior, and the equal and general reward of society is but a universal struggle between man and man” — not for the perfection of their nature, but for the prizes that are to be obtained.

With regard to Senator Berrien’s speech we shall have but little to say. It is not very long, as speeches on the wrong side, or on the questionable side, usually are. Nor has it the clearness and compactness of Mr. Calhoun’s speeches, which we hardly ever read without a stronger wish than in the case

of any other slave-holding member of Congress, that he was on the right side of the Slavery question ; for on it he appears as much demented as ever Don Quixote was on the subject of knight-errantry.

But as indistinct and unsatisfactory as Mr. Berrien often is, we get from him some matters worthy of consideration. It has been the opinion — universal, we think, amongst impartial men — that in a state or territory where Slavery was not established, or, in some form, recognized by law, it could not exist, at least nowadays. But it seems that this opinion was altogether a mistake, for the Senator tells us that “the precise converse was decided in the Supreme Court of Louisiana” — “and that the learned judge who pronounced that decision stated it as a *legal axiom*, that in all governments in which the municipal regulations are not absolutely opposed to slavery, persons reduced to that state may be held in it.”* To such a degree of corruption has Slavery brought our state courts! To examine such an opinion and formally show its unsoundness, would be to prove ourselves as great simpletons as we would take our readers, or the court delivering the opinion, to be.

The following statement is contained in the last paragraph of Mr. Berrien’s speech :

“Slaves are recognized as *property* by your *navigation laws*. You provide for their transportation coastwise, from the port of any state to any ‘port or place within the limits of the United States.’ A citizen of Savannah holding a slave, the issue of one purchased by him from your officer, under a sale for direct taxes, for which he has paid the price which you hold, goes before the collector of that port, and having complied with the requisitions of that law, obtains from him a permit to transport that slave to Monterey, a port or place within the limits of the United States, there to be sold as a slave, or to be held to service or labor ; and having your title to this slave and you having his money, he has also your permit to carry him there as a slave : tell me what au-

* As Mr. Berrien has neither given the name of the case, nor that of the “learned” judge who delivered the opinion, may he not have confounded it with one given by the Supreme Court of Missouri, in which this notion is found? — “It is not necessary to show any general custom in a country of holding negroes in slavery to prove its legality. If it be found to exist in fact, even to a limited extent, and no positive law prohibiting it be shown, it will be decided legal.” We have a belief, and with us it is a pretty strong one, that there has been the mistake supposed : for we have entertained no small respect for the good sense of the decisions of the Supreme Court of Louisiana, and the *dictum* just quoted is entirely in opposition to it.

thority is there in any territory of the Union which can override and nullify that of the supreme government on which it depends, and from which it derives whatever power it possesses?"

This is a fearful statement, and shows how impossible it is to have any thing to do with slavery without being defiled by it, no matter how cautious we may be. It is an important fact also to show, that the general government, if it have the power to abolish slavery, ought to abolish it as soon as possible; if not, or no power to meddle with it at all, it ought to pass no law concerning it.

Mr. Clayton was the father of the bill in the Senate to organize governments in Oregon, California, and New Mexico — commonly and unfavorably known as the Compromise Bill. The Slavery question, as applicable to these territories, had been debated, apparently unsuccessfully, in the Senate for several weeks, when Mr. Clayton made the motion to raise a committee composed of equal numbers from both sections of the Union, as well as of both political parties. He was, of course, chairman of it; and although from a slave-holding state, he is not a slaveholder, free labor being more profitable where he resides than slave labor. But he is as utterly heartless as to man's rights — as warm an advocate of the despotic pretensions of the slaveholder, as if he had scores of his fellow-creatures in bondage, or was the owner of a large sugar or cotton plantation. The other Senators from slave-holding states were Mr. Calhoun, Mr. Underwood, and Mr. Atchison. Those from the free states were Messrs. Phelps, Clarke, Dickinson, and Bright, one of whom, if not two, have declared themselves favorable to Slavery, while the remaining two but dimly represent the spirit of liberty now rising in the free states, and inexorably demanding that there shall no longer be slavery in the land. The bill reported to the Senate by this committee was passed by a vote of 33 yeas to 22 nays; was sent at once to the House of Representatives, where, on the motion of Mr. Stephens, a southern member, it was laid on the table, without any intention of taking it up again, by 112 yeas to 97 nays. The House of Representatives passed its own bill for organizing a territorial form of government in Oregon, and sent it to the Senate; it was then that Senator Clayton made his speech.

Were we to judge of him entirely by this effort, we should say he is imperious, overbearing, impatient of opposition to

his plans, a "man of the world," whose moral standard ascends no higher than the law of the country. He was evidently a good deal offended at the summary manner in which the House of Representatives disposed of a bill from which he looked for a complete settlement of the long and violent slavery agitation, endangering, in his opinion, the integrity of the Union; and in which he had borne so conspicuous a part, that he well might have raised the demagogical cry that he had again saved it. With him there is a struggle to keep down his resentment at their treatment—or rather his contempt, for he virtually charges them, and indeed all opposers, with ignorance; not recollecting that Mr. Stephens supported his motion on the very grounds that had been urged against the bill in the Senate, where the discussion of it may have been sufficiently heard by the members of the House. Nor does he conceal his feelings toward such of his brother senators as opposed the bill, for on them he bestows some of his hardest and most ill-natured blows.

We do not intend, by these remarks, to disparage the effort of Senator Clayton, compared with those of other senators on the same occasion, nor to convey the idea that it was wanting in ability. By no means:—for in point of fact, although Mr. Clayton does not profess to deal in the mysteries of Slavery—it was quite superior to those that we have especially brought to the notice of our readers. As a composition it is smoother, the *electio verborum* is easier; as an argument it is more regularly built and systematic than theirs. In fine, according to the generally received notion of strength, he is stronger than they are, abler, has greater power of explaining, condensing, and recommending his meaning. They utter sentiments so very adverse to all our notions of justice—so entirely repugnant to the truths that we have pronounced "self-evident," that what they say is at once cast aside, without producing any mischievous results. But it is not so with Senator Clayton. While he insinuates opinions as mischievous as theirs, he so introduces them that they often find not only transient harbor, but are likely to be looked on as the opinions that ought to be always entertained. Indeed, we should fear that they might prevail, were not popular improvement slowly but constantly and certainly circumscribing their area, and bringing closer together the walls that are finally to crush them.

We hear over and over again of the "compromises" of the

Constitution. These words are in the mouth of every politician; they form the warp and woof of almost every speech about Slavery, whether in or out of Congress, and even large political assemblies have not failed to employ them. But they are, for the most part, without any very definite meaning. We do not remember to have seen them so explained as Mr. Clayton explains them, or so lightly thought of as he seems to think of them. So reprehensible, indeed, do we consider his remarks, that had they been drawn from him by any unlooked for occasion, or sudden excitement, we should in that find his excuse. But they were not; for his speech bears every mark of having been deliberately considered. After calling the rash advocates of slavery at the South, and the uncompromising opponents of it at the North "geographical factions," and saying that the war between them and the bill was a war of extermination — that they do not desire any thing that would tranquillize the country and restore fraternal feelings to its discordant sections, he then proceeds:

"They have falsely represented the bill to be a compromise of principle, and have employed the cant that principle cannot be compromised, although the Constitution itself was but a compromise of principle, and the result of mutual concession between the different members of the confederacy."

As if not content with this, he returns to the charge and says:

"That same spirit, that mutual deference and concession are again rendered indispensable by our condition. We are now about to apply the Constitution to a region larger than the old thirteen states when the Union was founded. Under such circumstances, when I hear a man set up for himself a higher standard of morality and virtue than that of the fathers of the Republic, and say that he can agree to *no* compromise, or, to use the cant of the time, that principle cannot be compromised, I think of the poet's exclamation —

"O! for a forty-parson power to chant thy praise, hypocrisy!"

"Not a man came out of the convention that framed the Constitution who had not objections to some part of it. It was a *compromise*, and the same feeling which governed in its formation is, and ever will be, indispensable to its preservation."

That the Constitution was what Washington said it was — "the result of a spirit of amity, and of mutual deference and concession," we are not inclined to call in question. The

name of Washington is here introduced by Mr. Clayton, who artfully associates his expressions, as just now quoted, with his own, that the Father of his Country may seem to have used, or given his sanction to, the obnoxious sentiment of Mr. Clayton.

But "a spirit of amity," — "mutual deference and concession," are, by no means, the same as Mr. Clayton's "compromise of principle" — indeed, they are widely different from it. The first ought to prevail everywhere and at all times. We doubt whether a constitution or form of government intended to pervade a country as large as ours was ever made, or can be made without "amity, mutual deference and concession," and we hazard but little in saying that Washington, anxious as he unquestionably was, for the adoption of the Constitution, never pronounced it a "compromise of principle," or used words tantamount to them; and we have too much respect for his memory — for his honesty — for his sense of propriety, to suppose that he ever declared a "compromise of principle" to be the "cant of the times."

Notwithstanding the light and contemptuous terms in which Mr. Clayton speaks of compromising a principle, — if he mean the same thing by principle that we do, truth, or what we honestly take for truth; the consciousness of acting according to what we believe right; doing to others as we would have them do to us, — if he mean this, we do not see how it *can* be done. A principle is our highest treasure. Adherence or non-adherence to it makes the good man or the bad man. To the poor — to the afflicted — it gives a self-respect which the honors of the world or its wealth cannot give. Nothing is equal to self-respect, and nothing is of value enough to be given in exchange for it. He who wisely respects himself, respects the Being who made him — the Saviour who died for him. If, by a compromise of principle it be meant that a part of the truth we already possess is to be yielded on both sides, then that part is lost, abandoned, for a principle cannot be transferred. Both exchangers are injured; both have admitted injustice; both have lost, what in their present state is irrecoverable — their self-respect. The vile becomes equal to the precious. A lie is as good as the truth, and better, if it seem better to effect the purpose for which it is told. We may lawfully do evil, if, in our dim, imperfect, and partial apprehension, we suppose good will result from it. Right and wrong — justice and injustice — the will of God and the will of the Devil are a mere nothing, and for persons

to boggle about preferring one to the other is nothing but "cant."

We readily admit that the consolidation of the Union, after the peace of 1783, was the "greatest interest," so far as government was concerned, which could enlist the intelligent friends of the country, although there was a large party that thought otherwise. Yet all such interests are subordinate to the respect which every man owes to himself. He may have an interest in the government, as government is administered, as great as it can excite; for instance, in the establishment of a heavy tariff, or of a system of direct taxation: but let the complete success of the government depend on his telling a falsehood, though it be known only to himself, and he will not hesitate what to do. For the act of the government he is not responsible—it cannot injure him as a man, as a moral being; for his own act he feels that he is responsible, and that he may be everlastingly sunk by it in his own estimation, if not in that of others.

Now if this be true, to establish the "Constitution of the Union," important as it is admitted to have been, was not of as much value as for one honest man—Washington, for instance—to maintain his integrity; to prove himself faithful when others required him to be faithless and degenerate; to be seen doing what he believed right, in spite of the scoffs and contumely of those who knew they were doing wrong.

Whilst we say this, we do not mean to affirm that there was no compromise of principle in the Constitution. There was one—a mischievous one. It was on the part of Northern members, who well knew that Slavery, making merchandise of human beings, was morally wrong, a sin, yet consented it should be in the Union, and be protected by its power as one of its interests—provided they and their constituents received advantages in certain fisheries, or in the carrying trade, or for any other equivalent, we care not what. Of this compromise, had we not historical evidence of it, we could not but be aware from the discord it has produced. We are now reaping the bitter fruits of it. It is in vain to look for a cessation of it as long as slavery exists. Conscience on the one side, and injustice and avarice on the other, know no truce. The war will be waged, till one or the other gains a complete victory. Which will gain that victory it is not hard to foresee. But even on this compromise, Washington, in all likelihood, did not look so seriously as we now do. He probably thought it little more than a "deference," a "concession," for

he was a slaveholder in 1787, and continued so during the remainder of his life. But he who is well acquainted with the political history of the country from the peace of 1783 to the ratification of the present Constitution, — especially when he remembers that knowledge, and reflection, and feeling in regard to Slavery were almost immeasurably lower than they now are, — will be prepared to make no small allowance for this deviation, and almost to say, with Washington, “the consolidation of our union was the greatest interest of every true American.” Under the Articles of Confederation, Congress — the Legislature of the Union — consisted of but a single House. Its “delegates” were appointed by the different state legislatures. In making treaties, declaring war, making peace, receiving and sending ambassadors, borrowing money, &c., it represented the whole country. But then it could not collect the moneys it necessarily expended or promised, except with the consent of the several states, and through the officers appointed by them. The sums loaned to us by foreign governments were loaned to Congress. The public debt, at the conclusion of the war, was about forty millions of dollars. From Nov. 1st, 1784, to Jan. 1st, 1786, fourteen months — there was not half a million of dollars paid into the treasury of the United States; a sum so altogether insufficient to meet the current expenses of the country, and the interest of the debt, saying nothing of discharging any of the principal, that foreign nations began to decline making treaties with us, fearing, from the inefficiency of our government, we should not be able to comply with the terms of them. The inconvenience that had been felt during the war from this uncertainty of raising funds, occasioned an application by Congress for power to levy an impost of five per cent. on imported and prize goods. Mr. Fitzsimmons and Mr. Rutledge, two gentlemen of great intelligence, constituted the committee to whom this matter was referred. Their report in favor of it, after a tedious and embarrassing debate, was adopted on the 18th of April, 1783. Mr. Madison, Col. Hamilton, and Oliver Ellsworth, afterwards Chief-Justice Ellsworth, were appointed to prepare an address to accompany the recommendation to the several states. In this address is the memorable sentiment so often quoted: — “*Let it be remembered, finally, that it has ever been the pride and the boast of America, that the rights for which she contended were THE RIGHTS OF HUMAN NATURE.*” They go on to say, that never had the “unadulterated forms

of a republican government . . . so fair an opportunity of justifying themselves." "If justice, good faith, honor, gratitude, and all the other qualities that ennoble the character of a nation, and fulfil the ends of government, be the fruits of our establishments, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed, and the example will be set which cannot but have the most favorable influence on the rights of mankind. If on the other side, our government should be unfortunately blotted with the reverse of these cardinal and essential virtues, the great cause which we have engaged to vindicate will be dishonored and betrayed; the last and fairest experiment in favor of the rights of human nature will be turned against them, and their patrons and friends exposed to be insulted and silenced by the votaries of tyranny and usurpation."

In June, 1783, Washington, in view of soon laying down his public command, addressed the governors of the several states. He warmly recommended the same measures that had been recommended by the last named committee. He considered as essential to the well being, if not to the existence of the United States as an independent power—1. An indissoluble union of the states under one federal head. 2. A sacred regard to public justice. 3. The adoption of a proper peace establishment, and 4. The prevalence of a pacific and friendly disposition among the people of the United States. The opinions expressed by Washington were not hastily formed, for we find him frequently expressing them again. As late as 1786, in replying to a letter of William Jay, afterwards appointed the first Chief-Justice, he said, "I do not conceive we can exist long as a nation without lodging somewhere a power which will pervade the whole Union in as energetic a manner as the authority of the state extends over the several states." Similar opinions were expressed by his correspondents, embracing a large number of the ablest and most considerate men in the country.

The party,—for it now may be called such,—headed by those three persons and others who thought as they did, had to encounter the opposition of another party, which, if it did not equal their opponents in intelligence and ability, was yet formidable for its numbers. "Viewing," says Chief-Justice Marshall, from whose *Life of Washington* these facts are, for the most part, obtained, "Viewing with extreme tenderness the case of the debtor, their efforts were unceasingly directed

to his relief. To exact a faithful compliance with contracts was, in their opinion, a measure too harsh to be insisted on, and was one which the people would not bear. They were uniformly in favor of relaxing the administration of justice, affording facilities for the payment of debts, or of suspending their collection and of remitting taxes. The same course of opinion led them to resist every attempt to transfer from their own hands into those of Congress, powers which by others were deemed essential to the preservation of the Union." In many of the States this party constituted a majority—in all of them it had great influence. The contest between these two parties was every now and then revived, whilst their alternate success kept the public mind perpetually agitated with hopes and fears on matters of prime importance.

Such had been for a long time, and such was the political condition of affairs,—though many things had conspired to give success to the first mentioned party,—when the delegates to the Convention met at Philadelphia. But it may be asked, if the restoration and support of public credit was the leading idea—the pressing notion—in the general mind, why did not the conventionists limit their amendments of the Articles of Confederation to *that*? It may be replied, that, supposing the restoration and support of public credit to be as important as it is represented, it was probably much discussed, and the necessity of it pretty clearly seen, before the meeting at Philadelphia; that other defects in the Articles, if not so prominent, were not unseen; that the conventionists had full power, not only to remedy all the defects of the federal system, but to make a *government for the country*, that its laws might be effective throughout its whole extent, (for any form that they adopted was not to go into practice till submitted to the people in their State Conventions, and sanctioned by them;) and further, that opposition to the main measure might be much weakened by discussion on the other, wise and desirable provisions of the Constitution; or, indeed, that approbation of them might gain over, or soften the opposition to what was thought the most important one.

But Senator Clayton gives to the “compromises of the Constitution”—we use the word *compromises* here because it is more in fashion and better understood than any other word—a far more extensive interpretation than we remember before to have seen. As the Constitution was a compromise, so he comes to the conclusion,—not a very logical one, some

will think,—that “the same feeling which governed in its formation is and ever will be indispensable to its preservation.” If this be true, the free states are called on for compromises coeval with the duration of Slavery, and apart from the Constitution. Washington appears not so to have considered it. He thought that the Constitution was the consequence of certain dispositions shown by the members of the convention to one another — “the result” of these dispositions, terminating with its formation. Besides, these “never-ending compromises” were not submitted to the people for their ratification or rejection. Nothing but the Constitution, in which all that led to it,—all the compromises, or whatever else they may be called, were supposed to be merged and embodied,—nothing but the Constitution, as containing the substance of their political relations to individuals or communities, they were to ratify or reject.

But we would ask Mr. Clayton what compromise demanded by the Constitution has not been fulfilled by the states of the North? Have they not quietly submitted to the decennial enumeration which counts five slaves as three free persons, thus increasing the congressional representation of a state in proportion as man has been reduced to bonds within her borders? Have they not patiently submitted to the relinquishment of a part, an important part, of their sovereignty, which requires them to protect ALL who owe them allegiance, as do ALL within their limits, whether they have escaped from unpaid labor or not; to the search of their land, in its length and breadth, by the slaveholder, panoplied in his own slave state constitution, while he hunts for his enslaved brother, seeking his safety in his obscurity; to the merciless scourgings, the inhuman hangings of their citizens, without law or trial; to the expulsion of an agent humanely sent by one of them, to attend to the interests of the most injured class of her citizens,—to his expulsion from the state by a Charleston mob, upheld and encouraged by a legislative act; to the expulsion of another agent, deputed to Louisiana on a similar laudable business? And does the Senator know so little about Slavery as not to be aware that, as its victims increase, and as, in seeking long lost rights, they are supposed to become formidable, that new modes of barbarity and cruelty are invented and practised for their repression and subjugation? And does he suppose that the “compromises” of the North keep pace with the multiplication of the slaves, or with the perpetuation of un-

heard-of cruelties? Does he imagine that the North, after seeing what Slavery can do, will so stultify itself as to make of San Francisco another New Orleans, and of Monterey another Charleston? And does he once think that he could now get from the people of the North "the compromises" that were thought indispensable sixty years ago, for forming a "more perfect union"? If he has so read the temper of the people of the North; if he has so read the Constitution as to suppose that compromises are enjoined, which rise with the slaveholder's fears and necessities, be they real or imaginary, he has wonderfully misread. Or, if he fancies that his argument can "settle the controversy," or quench the spirit of a people who forbid their own officers from contaminating their hands by giving any aid in arresting a fugitive slave, yet scrupulously respect what they deem their constitutional obligations, we can tell him that an emptier fancy never found entrance into a wise head.

Before we are done with Senator Clayton's speech, we wish to examine another of its positions. It will be best presented in his own words:

"The whole of these charges against the bill, as being evasive and shunning responsibility, arise out of, and are resolved into, one single misrepresentation, which I will proceed to expose and put to shame. The misrepresentation consists in this simple declaration—that *the bill delegates and refers the power of Congress to decide the question whether slavery shall exist in the territories to the Supreme Court of the United States.* Now the bill delegates no power of Congress whatever. It simply provides that a writ of error or appeal shall be had, at the suit of either party, in case of a claim of freedom by any negro, in either California or New Mexico, to the Supreme Court. Every power which Congress ever had over the subject is reserved, because no word in the bill proposes to devolve that power on the court or any other tribunal. The power of Congress is political and legislative; that of the Court is simply judicial. The great question, to settle which the select committee was raised in the Senate, was whether the citizens of slave-holding states of this Union have a constitutional right to emigrate to the territories which have been acquired by the common efforts of all the states, with their slaves."

After stating the form of government provided by the bill for California and New Mexico—the appointment of officers, including Judges—the restriction of the territorial legislatures as to the introduction or prohibition of African slavery, and the

confining of the decision of the Slavery question to the territorial tribunals, "with a perfectly secured right of appeal, in all cases, from their decision to the Supreme Court of the United States," he proceeds to say:

"Thus both the master and the friend of the slave were entitled to try the question at once before the common arbiter appointed by the fathers of the republic to settle all conflicting questions of Constitutional law, while Congress retained all political and legislative power over the whole subject, to be exercised or not, as its own wisdom should see fit. A single decision of the Court, made on the very first case presented at the next term, it was understood, would have settled the question debated in these halls for years past, and which we all know can never be settled here."

Again:

"Hence a preliminary matter to be decided is, whether this question arising under the Constitution between the North and the South can" &c. . . . "The Court derives its power to decide the question not from the bill but from the Constitution." . . . "Neither Northern nor Southern men will pretend, for one moment, that this great question, which threatens to shake the pillars of our whole political edifice, is not of sufficient importance to entitle it to a decision by the highest tribunal known to the Constitution: No question of greater importance was ever before submitted to that court." . . . "Had the members of the other house given themselves time to reflect, it is quite impossible they could have rejected it, because the judges were, by the regulation of the bill, to decide a judicial question, which the Constitution ordained them to decide, and commanded us to make provision to enable them to decide."

We make these many quotations from Mr. Clayton's speech, not only that we may fully show what provisions were made by the bill from the Senate for the decision of the question of Slavery in our territories, but Mr. Clayton's own opinion, regarding it as a question which the *Constitution* had especially cast on the Supreme Court.

Though, doubtless, to use Mr. Clayton's own language, he is "deserving the name of a constitutional lawyer," his interpretation of the Constitution as applicable to the case in hand, is, to our minds, far from being clear. Wishing to make it appear that the Constitution was neutral between liberty and slavery, caring but little which should be established, he becomes indistinct and obscure: of course, he has failed to make strong and well defined impressions on others; he has only

confused those who depended on him, and who were too indolent to examine for themselves. Of two things, however, he has convinced us — if indeed we needed the conviction: that he wishes the Supreme Court to decide whether Liberty or Slavery shall forever pervade “a region larger than the old thirteen states were when the Union was formed,” without the decision being influenced in the smallest degree by any touch of humanity which the members may now have; and that the results to which any one comes in all investigations of rights — “of the rights of human nature” — will be, as his ethics are, right or wrong. He would seem to desire an impartiality in the Court altogether inconsistent with the nature of man; an unconcernedness between right and wrong, between justice and injustice, that he will in vain look for among such persons as he himself glowingly describes as composing it. For we are of opinion that there are many things which the law may put *down*, or try to put down, but which it ought not to put *up*, or try to put up. For example, murder, perjury, or bearing false witness against our neighbour, or covetousness — these cannot be enjoined; neither, as we think, can slavery, which is worse than they are, singly or combined, and which sometimes concentrates all the ills against which law can operate.

Now, although we are not a “constitutional lawyer,” probably, according to Mr. Clayton’s notions, not even “deserving the name” of one, — for we think the Constitution, so far from being made for the quibbles of lawyers, “constitutional lawyers,” if you will, is a plain instrument, intended to be understood by the people, — we take it we have a clear idea of that instrument, certainly a more honorable one, and more satisfactory to us, than the one he has given.

We set it down for granted that the Constitution has made Congress the governing power of the territories; and we believe it is admitted on all hands, that Congress itself has no authority to establish slavery in the territories, or anywhere else. Now, as the Constitution says not a word about establishing slavery, and as it does not even attempt to grant this power, admitting it *could* be granted, every one under its dominion is presumed to be in his natural, inartificial condition — to be *free*. Should this, however, not be the case, the writ of *Habeas corpus*, in its various forms, as in other instances of alleged illegal restraint, will bring the person restrained of his liberty before any territorial judge, to show the cause of his detention.

But on what grounds will the judge determine a matter, consistently with the Constitution, when it is not once mentioned in that instrument — that instrument, too, from which he derives his own power of deciding, and, indeed, all the power he has? By a very simple process: by removing whatever is antagonistic to it, and that hinders its free course, the only way, as far as we know, of making any law effective; by ascertaining that the restraint complained of is incompatible with the Constitution; that the latter will be null and void, defeated, and that an opposite state of things, setting aside the Constitution, will prevail, if the restraint be continued. This he is appointed to prevent, and, as if knowing how much the weakness of human nature needs the strongest support, this he is *sworn* to prevent.

The writ of *Habeas corpus* is entirely a judicial writ. It must be issued by a court, or by the judge of a court. Congress cannot issue it, nor decide on it, any more than any other equal number of individuals. And a decision, — a final one, of course, — may terminate the whole dispute about territorial slavery. Should this be the case, and we think it incontrovertible, what power has Congress over the question? What room is there for the “political and legislative power” of that body “over the whole subject, to be exercised or not according to their discretion” — about which Mr. Clayton so confidently comments? If the question is given by the Constitution exclusively to the judicial department, and the Supreme Court have to decide on it, as Mr. Clayton says, “not from the bill, but from the Constitution,” can an act of Congress have any effect whatever on the decision? Can an act of Congress undo what the Constitution “ordained” the Supreme Court to do? Can it restore Slavery, if the Supreme Court pronounce it incompatible with the Constitution? Certainly not, for the very act, or law, by which it would be attempted, would be declared by the Supreme Court unconstitutional, and therefore void.

After what we have said, it may be supposed that we think Congress has nothing to do with the question. True, it has nothing to do with the *decision* of the Court. It can do nothing that imposes a duty or obligation. All it can do, under the supposition that the Supreme Court will declare slavery in the territories unlawful, must be merely *influential*. It can, in the most suitable form, approve of the decision — declare its harmony with the Constitution, and that it well agreed

with the nature of this government made to establish justice, of which Slavery is the most flagitious violation. In this manner its influence may be added to that of the judiciary. But a decision to establish Slavery in the Territories ought to be considered good ground for impeachment, as showing ignorance of the Constitution, and of the very nature of the government, or for fraud in misconstruing it in favor of the wrong-doer.

Senator Clayton, in his constitutional equipoise between Liberty and Slavery, would seem to think that the Senate's bill, in restricting the decision of the Slavery question to the territorial tribunals constituted by the United States, with an appeal to the Supreme Court, had proposed a plan of settling it, not only unobjectionable, but liberal to the slave. In one respect it does appear liberal, for we have never known a case in which a slave sued for his freedom in a *United States court*. It may have been owing to the fact that both he and the person claiming him resided in the same state; or from his being advised that his value was not equal to the smallest amount for which a suit can be brought there — but from some cause or other, he was always confined, as far as we know, to the state courts. But, in all likelihood, it was not intended that in California and New Mexico, there should be, at present, any other courts than those named in the bill. If so, the liberality spoken of is but little more than apparent, for the claim of freedom must be preferred in them, or not at all.

But let us suppose that a slave is desirous of having his right to freedom adjudicated by one of these tribunals; how will it be, if the nearest judge reside two or three hundred miles, or more, from him, — the territories being of great extent — how will he obtain access to him or to his court? He has no time that he can call his own, for the master, or person holding him in possession, has appropriated that to himself, and will keep him at work. He has no money, no property, for that, too, the slaveholder has taken care to appropriate, and in considering this case, we must not take into the account what aid men humane may extend to him. But supposing these obstructions surmounted, — almost insurmountable as they are, — and that the slave duly arrives at the place where the court is usually held, and is there told that it will not be held at that term; that the judge is sick, or disabled from attending to any business. Perhaps he may there learn, too, that the judge is dead, and that, as the distance to Washington city is some two or three thousand miles, his successor

will not be there soon enough, in all probability, to hold the *next* term of the court. Besides this, the slaveholder will have the opportunity, from the failure to serve his *subpœnas*, from the absence of a material witness, &c., &c., of continuing the cause a term or two. And are we to think he will not do this — particularly in these gold-finding times, when the value of a slave, even for a few months, would be so very great, and when the interests of so many others may be depending on the decision in his case? And if it be submitted to a jury, as we apprehend it will be, — for the slaveholders will use every means of delaying the cause, and finally of defeating it, — by whom, we ask, will it be tried? Not by a jury half of whom shall be slaves, or even colored freemen, but by one made up of slaveholders, or by those who are connected with them, who daily associate with them, and are influenced by them. What, in the meantime, during all the law's delay, is the condition of the slave? The very reverse of the slaveholder's. When he first makes application for the interference of the Court, he must give bond, with security, in double the amount of what he is supposed to be worth as a vendible commodity. If he cannot find security, he must go to jail, where he will lie till brought in to Court to attend to his case. His lawyer, if he has one, will most probably be among the young and inexperienced — and attempts will be made to render him ridiculous, and the whole affair, as a matter of policy, as well as of feeling, will be laughed at. In addition to all this, the judge may be a slaveholder, or at least, he will almost certainly be appointed by a slaveholding President; the clerk — the marshal, may be slaveholders. In short, there may be no one at all, concerned as an officer of the court, or as a spectator of the trial, whose good wishes and countenance will be given to the slave.

Thus of all persons contending for rights dearer to him than all other rights, the slave may be the most forlorn, and his cause the most hopeless, especially if we consider the remoteness of the country in which these enactments take place. Indeed, Mr. Clayton himself acknowledges the difficulties, amounting almost to an impossibility, of the slave conducting his own cause, when he speaks, as he does, of the intervention of the "*friend of the Slave*."

But many will be ready to say, that a decision by a territorial judge is of little consequence, seeing, that, in any event, an appeal lies to the Supreme Court, by which the question is to be determined. We are not of that number, but Senator

Clayton is, if we may judge from this highly wrought and almost ridiculous laudation of that Court. Its character, says he, "for purity and justice is immeasurably more exalted than that of any tribunal on earth." . . . "The sectional feelings which will often influence the action of the former, [the Senators,] can never enter into the bosom of a judge without disgracing him." . . . "The objection, [Mr. Corwin, a Senator from Ohio, had made it,] that five of the nine Judges reside south of Mason and Dixon's line, is unworthy of a statesman. It is not denied that a man may be as honest, if he live on the one side of the line as on the other." . . . "The man who can in his heart believe that five judges would decide this question on sectional grounds must be prepared to pronounce them corrupt and unworthy of their stations: an opinion justified by no event of their past lives." We would say nothing, except for the truth's sake, to disparage the character of the Supreme Court, or at all disturb the praises which Mr. Clayton has seen fit to bestow on the members of it. But it is a fact well known to all who choose to inquire, that the appointments, for the last fifteen or twenty years, have been *party* appointments; that the incumbents, just alluded to, before their appointment, and it may be to gain that, were warm partisans — more conspicuous for party activity than for eminence in their profession.* Nor was the appointing power

*"Mr. Duane remained in office, [as Secretary of the Treasury,] until the 23d of September, on which day he was dismissed." . . . "On that same day, the 23d, Mr. Taney was appointed, and on the 26th, in conformity with the will of the President, he performed the clerical act of affixing his signature to the order for the removal of the deposits, and thus made himself a willing instrument to consummate what the sterner integrity of his predecessor disdained to execute. . . ." The report of the Secretary of the Treasury, [Mr. Taney,] in the first paragraph commences with a misstatement of the fact. " . . . If this assertion, ["I have directed"] is regarded in any other than a mere formal sense, it is not true. The Secretary may have been the instrument, the Clerk the automaton, in whose name the order was issued."—*Speech of Henry Clay on the removal of the Deposites, in the Senate of the United States, Dec. 26-30, 1833.*

"Having maturely considered with those impartial feelings, the reasons of the Secretary, [Mr. Taney,] I am constrained to say, that he has entirely failed to make out his justification." . . . "The Secretary has entirely mistaken the case."—*Remarks of John C. Calhoun, in the Senate, on the same subject, January 13, 1834.*

"In what manner and for what purpose, was the present Secretary of the Treasury brought into office? he came into office through a breach in the Constitution, and his very appointment was the means of violating the law and the public faith. He was brought into his present station to be the instrument of executive usurpation."—*Speech of Mr. McDuffie on the same subject, in the House of Representatives.*

confined to *them*, for there were men less active in party politics — more devoted to their profession, and generally much more distinguished in it — and drawing to themselves a great deal more of the confidence of the country, who could have been found to fill the offices. For no one need try to conceal the fact that the present Supreme Court, on very important questions, does not possess the confidence of the people, in such a degree as a Supreme Court ought, to be most useful. In matters of individual claim, where party and sectional feelings are not at all aroused, their decisions are respected. But such is the case with many State Courts that could be mentioned. We are not among the number of those who believe, as one would be inclined to think Mr. Clayton did, in an entire transformation of character for the better, by an appointment to the Supreme Court. If a man is mean before it, he will be mean after. True, he may mingle less in crowds, he may engage less in matters that interest most men; his temptation may be less, but, so far as his office goes, he will remain the same being — only a man and having the trials of one.

But Senator Clayton thinks that this question will be decided strictly on constitutional grounds, and that the majority of the Court, who may be the five judges that reside in the slaveholding states and in the midst of a slaveholding population, will not be at all influenced in their judgment on sectional grounds: indeed, he goes so far as to say that he who believes so must be prepared to pronounce them corrupt; and that a man may be as honest on one side of Mason and Dixon's line as on the other. If we could bring ourselves to believe that Senator Clayton really thought this question would be decided as he has represented, or that he had no design of bringing the influence of the Court to bear against the Senator who made the remark, or of attempting himself to conciliate it, we should be led to suppose him a very unobserving and unripe man, and therefore an unsafe depositary of any power. For does he not know that the Southern members, the majority, of the Court themselves practise the "system," and some of them

We do not intend to discuss the propriety or impropriety of removing the deposits. The foregoing extracts, to which many others of a similar purport might be added, are given simply to prove what view was taken of the present Chief-Justice's character by distinguished men, now of both parties. Mr. Taney was nominated to his present office on the death of Chief-Justice Marshall, by General Jackson, by whose direction the deposits were removed.

pretty deeply* ; that if they pronounce it constitutional, even in the territories, they do much to strengthen it everywhere, and greatly increase their popularity at the South ; if unconstitutional, they will be called abolitionists there, be rendered odious among the slaveholders, and find it next to impossible, may we not say impossible, to reside among them, as they now do ? Does he not know, indeed, that to decide it in any way is almost, if not quite, tantamount to giving up their present situations, and, what with most men is deprecated above all things, of losing *caste* among their slaveholding associates, whose practice they think most gentlemanlike, whose opinions they most value, and for whose society they are best fitted ? This loss of *caste* or consideration, indeed, the certainty of being made odious, at the South, in the event of entertaining, or of being strongly *suspected* of entertaining, anti-slavery sentiments, has been too often stated, both by members of Congress, as well as by the members of the large religious bodies, to be unknown to Mr. Clayton. Under these circumstances, when, too, a large portion of the country is slaveholding, is it to be looked for from such men as compose the Supreme Court, that they will decide, without any chance of reversal, that Slavery is unconstitutional anywhere ? For if they decide it to be unconstitutional in the territories, they at the same time decide it to be unconstitutional, at least, in all those states which *once* were territories. Such a decision is only to be expected from men in circumstances very different from those of a majority of the Court—from extraordinary men—from men who are able to discern the truth, according to the highest standard known to man, and who have self-respect enough to prefer it to every other consideration. To decide, under the circumstances mentioned, that Slavery is unconstitutional anywhere, is only to be looked for from the *absolute* honesty which led Algernon Sidney, when solicited to do an unworthy act to save his life, to remark, that “when it became necessary for him to do or say falsely even for the high object set before him, he knew it was the will of God that he should die.” A lawyer will not hesitate to pervert the facts or the law to a jury—or court, if he can impose on the latter, to gain his client’s cause ; a physician, to tell a dying man that his malady is not a hopeless one ; a tailor or shoemaker,

* It is not long since one of them—Judge McKinley, we think,—advised the sale of a large number of slaves at public vendue.

a customer that his coat or his shoes will be ready for him next morning, when he has no expectation, or a very slight one, of complying with his promise. Meantime these men take up their paper in bank carefully to the very hour, are punctual in the payment of their debts, and their engagements, in all matters *out* of their profession or calling, may be depended on. These, in common parlance, are called honest men, nor can they be called otherwise without appearing unjust to them. So they are, according to the low and imperfect standard—the “sliding scale,” rather—which they set up for themselves. But even this honesty we do not wish to underrate; indeed, we would not put below its worth,—for it has some worth,—honesty of any grade. This grade of it—professional, perhaps not higher—is to be found, not only in the Supreme Court, but in other places deemed exalted, and our public affairs are, for the most part, managed by it. For if it were *absolute*,—such as we have supposed Algernon Sidney possessed; such as impels us to take up the cross and carry it to the place of an inglorious death, sooner than do or say what we believe to be wrong or false,—we should not have men commissioned to mete out justice to *us*, who refuse it to multitudes of their fellow-beings—their brothers and sisters, whose earnings through life they take from them; whom, and there posterity, if they have not already sold them, they consign to their heirs, when compelled by death to relinquish their hold; to whom they carefully deny all opportunity of improving those faculties bestowed on them by God, and which belong to man so plainly that they cannot be made plainer—opportunities, too, which they themselves enjoy without stint, and for which they declare, and justly, too—there can be no equivalent. Nor should we have those judges who send back into slavery, without any reference to its horrors, a fellow-man endeavouring to escape from it, or be instrumental, for the sake of the pelf a commission brings with it, in affixing a ruinous fine on one whose humanity might lead him to give what aid he could to the attempt; thus showing that their love of money is stronger than their love for the race to which they belong.

But Mr. Clayton seems fully to rely for an equitable decision on the high character of the Supreme Court, which, says he, “for purity and justice is immeasurably superior to that of any other tribunal on earth.” These, to many, will seem rather odd words in the mouth of an American Senator, who,

as the world goes, ought, at least, to be somewhat remarkable for the precision of his statements. They will be likely to look on them as in no small degree extravagant, if not, in the worst sense, hyperbolical. Some, no doubt, will go further, and suppose that the speaker used these words because he knew that he should lose nothing by an unfavorable comparison of other courts with ours, but by his praise of ours he might add greatly to his reputation for patriotism, since nothing, nowadays, contributes more to reputation for this quality, than depreciating what our neighbour has and exalting what we have. Others will wonder that men, eminent above all other men in similar circumstances "for purity and justice," could, in any manner, consent to be made the instruments of inflicting on a very large portion of the country the curse of Slavery, the most copious fountain of social and individual impurity, and the rankest specimen of injustice under the sun. Indeed, they will think that the very attempt to reconcile Slavery with a Constitution which professes to establish liberty, must unavoidably bewilder the mind, and obscure and pervert its perception of right. They will be amazed that men so "immeasurably" superior in purity and justice could at all hesitate between the law of man, even if it should command us to set up Slavery, and the law of God forbidding it and telling us so reasonably to do to others as we would have them do to us. They may even proceed to say that the Rights of man, of human nature, were incorporated into the Constitution by the Convention, and that this was business proper for the *Convention only*, and that the judicial power was ordained by that body to enforce those rights, according to the forms of the Constitution, should those rights at any time be invaded; but that it never was clothed with authority so to interpret that instrument, that wrong should be done to the poorest and the humblest individual, but rather that he should fly to its sacred precincts for protection against all wrongdoers pursuing him for his destruction, and there be reassured that he is a man.

It is not ours, or we do not intend at this time to make it ours, to compose these strifes, nor to pronounce on the honesty, and so forth, of the respective parties mentioned; but this we will say of some of them, — especially of the English Courts, the King's or Queen's Bench, and of the Admiralty Courts, — that persons standing as high in public estimation, and occupying as close relation to their governments as Senator Clayton did to his, have spoken in very high terms of the

purity and justice and intelligence of the courts of their countries, although they may not have been as extravagant or as exclusive as the Senator, and that their reports and decisions are read, as ours are, in all our courts, both supreme and state, except in a very few instances, — even if *they* now exist, — where ignorance has excluded them. In matters of account between man and man, however complicated, — supposing the structure and object of the government not to be concerned, — our Supreme Court and the Court of Queen's Bench would, in all probability, decide alike. Here they would act on the same ground of doing justice between men, without any temptation to warp their opinion. But if there were submitted to them the question: Which is the best, that is, the most reasonable, form of government for man? they would, without hesitation, give the preference to that under which they live — under which, in spite of its imperfections, they had attained the zenith of their profession, and enjoyed the honors they possessed. In this case, we suppose them equally honest — equally conscientious in coming to their conclusions; but, at last, they are conclusions fashioned by the influence of those around us, by habits of thinking, and by education in its extended sense, which neither religion, nor reflection on the nature of man in their case, has been sufficiently strong to cure. It is very certain that they both cannot be right. Indeed, they approach right only as far as their respective governments allow the powers of men to have their natural sway.

But these two sets of Judges, although they differ as to government, agree in thinking polygamy not only opposed to the letter and spirit of Christianity, but especially to the permanent strength and advancement of any people in civilization. If now, with a single view to benefit the government, the abolition of the harems throughout the empire were proposed to the rulers of Turkey, they would say with one accord, that they do not see how polygamy is connected with national weakness and ignorance, or how a people can be so well governed when the rulers and the rich have but one wife as when they have many. Yet these persons, we will suppose, have an unblemished reputation for honesty at home, and are exemplary in all their dealings with their fellow-men.

These instances of men being right although they differ from other men having equal honesty and intelligence, on the most important subjects, may be so endlessly multiplied, that we have but little confidence in any tribunal which impels us to

do unto others as we would *not* have them do to us. This tribunal, erected in every man's heart, always speaks the truth to *him*, however he may force it to tell a falsehood to others. Believing in it, we must say that our trust is small in the honesty of any one south of Mason and Dixon's line.

Some of our foregoing remarks may properly lead to the belief, that we intended what we have said of the speeches of certain Senators only as introductory to a more important subject. But as we advanced, we found so many wrong notions to set right, that what we projected only as our vestibule has become our temple.

ART. II.—*A Week on the Concord and Merrimack Rivers.*

By HENRY D. THOREAU. Boston and Cambridge: James Monroe & Company. 1849. pp. 413.

WE stick to the sea-serpent. Not that he is found in Concord or Merrimack, but like the old Scandinavian snake, he binds together for us the two hemispheres of Past and Present, of Belief and Science. He is the link which knits us seaboard Yankees with our Norse progenitors, interpreting between the age of the dragon and that of the railroad-train. We have made ducks and drakes of that large estate of wonder and delight bequeathed to us by ancestral irkings, and this alone remains to us unthrift heirs of Linn. We give up the Kraken, more reluctantly the mermaid, for we once saw one, no *mulier formosa*, *supernè*, no greenhaired maid with looking-glass and comb, but an adroit compound of monkey and codfish, sufficiently attractive for purposes of exhibition till the suture where the *desinit in piscem* began, grew too obtrusively visible.

We feel an undefined respect for a man who has seen the sea-serpent. He is to his brother-fishers what the poet is to his fellow-men. Where they have seen nothing better than a school of horsemackerel, or the idle coils of ocean around Halfway Rock, he has caught authentic glimpses of the withdrawing mantlehem of the Edda-age. We care not for the monster himself. It is not the thing, but the belief in the thing, that is dear to us. May it be long before Professor Owen is comforted with the sight of his unfleshed vertebrae, long before they stretch many a rood behind Kimball's or

Barnum's glass, reflected in the shallow orbs of Mr. and Mrs. Public, which stare but see not! When we read that Captain Spalding of the pink-stern *Three Pollies* has beheld him rushing through the brine like an infinite series of bewitched mackerel-casks, we feel that the mystery of old Ocean, at least, has not yet been sounded, that Faith and Awe survive there unevaporate. We once ventured the horsemackerel theory to an old fisherman, browner than a tomcod. "Hosmackril!" he exclaimed indignantly, "hosmackril be—" (here he used a phrase commonly indicated in laical literature by the same sign which serves for Doctorate in Divinity,) "don't yer spouse *I* know a hosmackril?" The intonation of that "*I*" would have silenced professor Monkbairns Owen with his provoking *phoca* forever. What if one should ask *him* if he knew a trilobite?

The fault of modern travellers is that they see nothing out of sight. They talk of eocene periods and tertiary formations, and tell us how the world looked to the plesiosaur. They take science (or nescience) with them, instead of that soul of generous trust their elders had. All their senses are skeptics and doubters, materialists reporting things for other skeptics to doubt still further upon. Nature becomes a reluctant witness upon the stand, badgered with geologist hammers and phials of acid. There have been no travellers since those included in Hakluyt and Purchas, except Martin, perhaps, who saw an inch or two into the invisible at the Orkneys. We have peripatetic lecturers, but no more travellers. Travellers' stories are no longer proverbial. We have picked nearly every apple (wormy or otherwise,) from the world's tree of Knowledge, and that without an Eve to tempt us. Two or three have hitherto hung luckily beyond reach on a lofty bough shadowing the interior of Africa, but there is a Doctor Bialloblotzky at this very moment pelting at them with sticks and stones. It may be only next week, and these, too, bitten by geographers and geologists, will be thrown away. We wish no harm to this worthy Slavonian, but his name is irresistibly suggestive of boiled lobster, and some of the natives are not so choice in their animal food.

Analysis is carried into everything. Even Deity is subjected to chemic tests. We must have exact knowledge, a cabinet stuck full of facts pressed, dried, or preserved in spirits, instead of a large, vague world our fathers had. Our modern Eden is a *hortus siccus*. Tourists defraud rather than enrich

us. They have not that sense of æsthetic proportion which characterized the elder traveller. Earth is no longer the fine work of art it was, for nothing is left to the imagination. Job Hortop, arrived at the height of the Bermudas, thinks it full time to throw us in a merman,—“we discovered a monster in the sea who showed himself three times unto us from the middle upwards, in which parts he was proportioned like a man, of the complection of a mulatto or tawny Indian.” Sir John Hawkins is not satisfied with telling us about the merely sensual Canaries, but is generous enough to throw us in a handful over: “About these islands are certain flitting islands, which have been oftentimes seen, and when men approached near them they vanished, . . . and therefore it should seem he is not yet born to whom God hath appointed the finding of them.” Henry Hawkes describes the visible Mexican cities, and then is not so frugal but that he can give us a few invisible ones. “The Spaniards have notice of seven cities which the old men of the Indians show them should lie toward the N. W. from Mexico. They have used, and use daily, much diligence in seeking of them, but they cannot find any one of them. They say that the witchcraft of the Indians is such that when they come by these towns they cast a mist upon them so that they cannot see them.” Thus do these generous ancient mariners make children of us again. Their successors show us an earth effete and past bearing, tracing out with the eyes of industrious fleas every wrinkle and crowfoot.

The journals of the elder navigators are prose Odyssees. The geographies of our ancestors were works of fancy and imagination. They read poems where we yawn over items. Their world was a huge wonder-horn, exhaustless as that which Thor strove to drain. Ours would scarce quench the small thirst of a bee. No modern voyager brings back the magical foundation stones of a Tempest. No Marco Polo, traversing the desert beyond the city of Lok, would tell of things able to inspire the mind of Milton with

“Calling shapes and beckoning shadows dire
And airy tongues that syllable men’s names
On sands and shores and desert wildernesses.”

It was easy enough to believe the story of Dante, when two thirds of even the upper-world were yet untraversed and un-mapped. With every step of the recent traveller our inheritance of the wonderful is diminished. Those beautifully pictured notes of the Possible are redeemed at a ruinous dis-

count in the hard and cumbrous coin of the actual. How are we not defrauded and impoverished? Does California vie with El Dorado, or are Bruce's Abyssinian Kings a set-off for Prester John? A bird in the bush is worth two in the hand. And if the philosophers have not even yet been able to agree whether the world has any existence independent of ourselves, how do we not gain a loss in every addition to the catalogue of Vulgar Errors? Where are the fishes which nidicated in trees? Where the monopodes sheltering themselves from the the sun beneath their single umbrella-like foot, umbrella-like in every thing but the fatal necessity of being borrowed? Where the Acephali, with whom Herodotus, in a kind of ecstacy, wound up his climax of men with abnormal top-pieces? Where the Roc whose eggs are possibly boulders, needing no far-fetched theory of glacier or iceberg to account for them? Where the tails of the Britons? Where the no legs of the bird of Paradise? Where the Unicorn with that single horn of his, sovereign against all manner of poisons? Where the fountain of Youth? Where that Thessalian spring which, without cost to the county, convicted and punished perjurers? Where the Amazons of Orellana? All these, and a thousand other varieties we have lost, and have got nothing instead of them. And those who have robbed us of them have stolen that which not enriches themselves. It is so much wealth cast into the sea beyond all approach of diving bells. We owe no thanks to Mr. J. E. Worcester, whose Geography we studied enforcedly at school. Yet even he had his relentings, and in some softer moment vouchsafed us a fine, inspiring print of the Maelstrom, answerable to the twenty-four mile diameter of its suction. Year by year, more and more of the world gets disenchanting. Even the icy privacy of the arctic and antartic circles is invaded. Our youth are no longer ingenious, as indeed no ingenuity is demanded of them. Every thing is accounted for, every thing cut and dried, and the world may be put together as easily as the fragments of a dissected map. The Mysterious bounds nothing now on the North, South, East, or West. We have played Jack Horner with our earth, till there is never a plum left in it.

Since we cannot have back the old class of voyagers, the next best thing we can do is to send poets out a-travelling. These will at least see all that remains to be seen, and in the way it ought to be seen. These will disentangle nature for us from the various snarls of man, and show us the mighty mother

without paint or padding, still fresh and young, full-breasted, strong-backed, fit to suckle and carry her children. The poet is he who bears the charm of freshness in his eyes. He may safely visit Niagara, or those adopted children of nature the Pyramids, sure to find them and to leave them as if no eye had vulgarized them before. For the ordinary tourist all wells have been muddied by the caravans that have passed that way, and his eye, crawling over the monuments of nature and art, adds only its quota of staleness.

Walton quotes an "ingenious Spaniard" as saying, that "rivers and the inhabitants of the watery element were made for wise men to contemplate and fools to pass by without consideration," and Blount, in one of the notes to his translation of Philostratus, asserts that "as travelling does much advantage wise men, so does it no less prejudice fools." Mr. Thoreau is clearly the man we want. He is both wise man and poet. A graduate of Cambridge—the fields and woods, the axe, the hoe, and the rake have since admitted him *ad eundem*. Mark how his imaginative sympathy goes beneath the crust, deeper down than that of Burns, and needs no plough to turn up the object of its muse. "It is pleasant to think in winter, as we walk over the snowy pastures, of those happy dreamers that lie under the sod, of dormice and all that race of dormant creatures which have such a superfluity of life enveloped in thick folds of fur, impervious to the cold."—p. 103. "For every oak and birch, too, growing on the hilltop, as well as for these elms and willows, we knew that there was a graceful ethereal and ideal tree making down from the roots, and sometimes nature in high tides brings her mirror to its foot and makes it visible."—p. 49. Only some word were better here than *mirror*, (which is true to the fact, but not to the fancy,) since we could not see *through* that. Leigh Hunt represents a colloquy between man and fish, in which both maintain their orthodoxy so rigidly that neither is able to comprehend or tolerate the other. Mr. Thoreau flounders in no such shallows. He is wiser, or his memory is better, and can recreate the sensations of that part of his embryonic life which he passed as a fish. We know nothing more thoroughly charming than his description of twilight at the river's bottom.

"The light gradually forsook the deep water, as well as the deeper air, and the gloaming came to the fishes as well as to us, and more dim and gloomy to them, whose day is perpetual twilight, though sufficiently bright for their weak and watery eyes.

Vespers had already rung in many a dim and watery chapel down below, where the shadows of the weeds were extended in length over the sandy floor. The vespertine pout had already begun to flit on leathern fin, and the finny gossips withdrew from the fluvial streets to creeks and coves, and other private haunts, excepting a few of stronger fin, which anchored in the stream, stemming the tide even in their dreams. Meanwhile, like a dark evening cloud, we were wafted over the cope of their sky, deepening the shadows on their deluged fields."

One would say this was the work of some bream Homer. Melville's pictures of life in Typee have no attraction beside it. Truly we could don scales, pectorals, dorsals, and anals, (critics are already cold-blooded,) to stroll with our dumb love, fin in fin, through the Rialto of this subfluvial Venice. The Complete Angler, indeed! Walton had but an extraqueous and coquine intimacy with the fishes compared with this. His tench and dace are but the poor transported convicts of the frying-pan.

There was a time when Musketaquid and Merrimack flowed down from the Unknown. The adventurer wist not what fair reaches stretched before him, or what new dusky peoples the next bend would discover. Surveyor and map have done what they could to rob them of their charm of unexpectedness. The urns of the old river-gods have been twitched from under their arms and set up on the museum-shelf, or, worse yet, they serve to boil the manufacturer's plum-porridge. But Mr. Thoreau with the touch of his oar conjures back as much as may be of the old enchantment. His map extends to the bed of the river, and he makes excursions into finland, penetrating among the scaly tribes without an angle. He is the true cosmopolitan or citizen of the Beautiful. He is thoroughly impartial — *Tros, Tyriusve* — a lichen or a man, it is all one, he looks on both with equal eyes. We are at a loss where to class him. He might be Mr. Bird, Mr. Fish, Mr. Rivers, Mr. Brook, Mr. Wood, Mr. Stone, or Mr. Flower, as well as Mr. Thoreau. His work has this additional argument for freshness, the birds, beasts, fishes, trees, and plants having this advantage, that none has hitherto gone among them in the missionary line. They are trapped for their furs, shot and speared for their flesh, hewn for their timber, and grubbed for Indian Vegetable Pills, but they remain yet happily unconverted in primitive heathendom. They take neither rum nor gunpowder in the natural way, and pay tithes without being

Judaized. Mr. Thoreau goes among them neither as hunter nor propagandist. He makes a few advances to them in the way of Booddhism, but gives no list of catechumens, though flowers would seem to be the natural followers of that prophet.

In truth, Mr. Thoreau himself might absorb the forces of the entire alphabetic sanctity of the A. B. C. F. M., persisting as he does in a fine, intelligent paganism. We need no more go to the underworld to converse with shadows of old philosophers. Here we have the Academy brought to our doors, and our modern world criticized from beneath the shelter of the Portico. Were we writing commendatory verses after the old style, to be prefixed to this volume, we should begin somewhat thus:—

If the ancient, mystique, antifabian
Was (so he claimed) of them that Troy town wan
Before he was born; even so his soul we see
(Time's ocean underpast) revive in thee,
As, diving nigh to Elis, Arethuse
Comes up to loose her zone by Syracuse.

The great charm of Mr. Thoreau's book seems to be, that its being a book at all is a happy fortuity. The door of the portfolio-cage has been left open, and the thoughts have flown out of themselves. The paper and types are only accidents. The page is confidential like a diary. Pepys is not more minute, more pleasantly unconscious. It is like a book dug up, that has no date to assign it a special contemporaneity, and no name of author. It has been written with no uncomfortable sense of a public looking over the shoulder. And the author is the least ingredient in it, too. All which I saw and part of which I was, would be an apt motto for the better portions of the volume: a part, moreover, just as the river, the trees, and the fishes are. Generally he holds a very smooth mirror up to nature, and if, now and then, he shows us his own features in the glass, when we had rather look at something else, it is as a piece of nature, and we must forgive him if he allow it a too usurping position in the landscape. He looks at the country sometimes (as painters advise) through the triumphal arch of his own legs, and, though the upsidedownness of the prospect has its own charm of unassuetude, the arch itself is not the most graceful.

So far of the manner of the book, now of the book itself. It professes to be the journal of a week on Concord and Merrimack Rivers. We must have our libraries enlarged, if Mr.

Thoreau intend to complete his autobiography on this scale — four hundred and thirteen pages to a sennight! He begins honestly enough as the Boswell of Musketaquid and Merrimack. It was a fine subject and a new one. We are curious to know somewhat of the private and interior life of two such prominent and oldest inhabitants. Musketaquid saw the tremulous match half-doubtingly touched to the revolutionary train. The blood of Captain Lincoln and his drummer must have dribbled through the loose planks of the bridge for Musketaquid to carry down to Merrimack, that he in turn might mingle it with the sea. Merrimack is a drudge now, grinding for the Philistines, who takes repeated dammings without resentment, and walks in no procession for higher wages. But its waters remember the Redman, and before the Redman. They knew the first mammoth as a calf, and him a mere *parvenu* and modern. Even to the saurians they could say — we remember your grandfather.

Much information and entertainment were to be pumped out of individuals like these, and the pump does not *suck* in Mr. Thoreau's hands. As long as he continues an honest Boswell, his book is delightful, but sometimes he serves his two rivers as Hazlitt did Northcote, and makes them run Thoreau or Emerson, or, indeed, anything but their own transparent element. What, for instance, have Concord and Merrimack to do with Boodh, themselves professors of an elder and to them wholly sufficient religion, namely, the willing subjects of watery laws, to seek their ocean? We have digressions on Boodh, on Anacreon, (with translations hardly so good as Cowley,) on Persius, on Friendship, and we know not what. We come upon them like snags, jolting us headforemost out of our places as we are rowing placidly up stream or drifting down. Mr. Thoreau becomes so absorbed in these discussions, that he seems, as it were, to *catch a crab*, and disappears uncomfortably from his seat at the bow-oar. We could forgive them all, especially that on Books, and that on Friendship, (which is worthy of one who has so long commerced with Nature and with Emerson,) we could welcome them all, were they put by themselves at the end of the book. But as it is, they are out of proportion and out of place, and mar our Merrimacking dreadfully. We were bid to a river-party, not to be preached at. They thrust themselves obtrusively out of the narrative, like those quarries of red glass which the Bowery dandies (emulous of Sisyphus) push laboriously before them as breast-pins.

Before we get through the book, we begin to feel as if the author had used the term week, as the Jews did the number *forty*, for an indefinite measure of time. It is quite evident that we have something more than a transcript of his fluvialile experiences. The leaves of his portfolio and river-journal seem to have been shuffled together with a trustful dependence on some overruling printer-providence. We trace the lines of successive deposits as plainly as on the sides of a deep cut, or rather on those of a trench carried through made-land in the city, where choiceness of material has been of less import than suitableness to fill up, and where plaster and broken bricks from old buildings, oyster-shells, and dock mud have been shot pellmell together. Yet we must allow that Mr. Thoreau's materials are precious, too. His plaster has bits of ancient symbols painted on it, his bricks are stamped with mystic sentences, his shells are of pearl-oysters, and his mud from the Sacramento.

"Give me a sentence," prays Mr. Thoreau bravely, "which no intelligence can understand!"—and we think that the kind gods have nodded. There are some of his utterances which have foiled us, and we belong to that class of beings which he thus reproachfully stigmatizes as intelligences. We think it must be this taste that makes him so fond of the Hindoo philosophy, which would seem admirably suited to men, if men were only oysters. Or is it merely because, as he naïvely confesses in another place, "his soul is of a bright invisible *green*"? We would recommend to Mr. Thoreau some of the Welsh sacred poetry. Many of the Triads hold an infinite deal of nothing, especially after the bottoms have been knocked out of them by translation. But it seems ungrateful to find fault with a book which has given us so much pleasure. We have eaten salt (Attie, too,) with Mr. Thoreau. It is the hospitality and not the fare which carries a benediction with it, and it is a sort of ill breeding to report any oddity in the viands. His feast is here and there a little savage, (indeed, he professes himself a kind of volunteer Redman,) and we must make out with the fruits, merely giving a sidelong glance at the baked dog and pickled missionary, and leaving them in grateful silence.

We wish the General Court had been wise enough to have appointed our author to make the report on the Ichthyology of Massachusetts. Then, indeed, would the people of the state have known something of their aquicolal fellow-citizens.

Mr. Thoreau handles them as if he loved them, as old Izaak recommends us to do with a worm in impaling it. He is the very Asmodeus of their private life. He unroofs their dwellings and makes us familiar with their loves and sorrows. He seems to suffer a sea-change, like the Scotch peasant who was carried down among the seals in the capacity of family physician. He balances himself with them under the domestic lily-pad, takes a family-bite with them, is made the confidant of their courtships, and is an honored guest at the wedding-feast. He has doubtless seen a pickerel crossed in love, a perch Othello, a bream the victim of an unappreciated idiosyncrasy, or a minnow with a mission. He goes far to convince us of what we have before suspected, that fishes are the highest of organizations. The natives of that more solid atmosphere, they are not subject to wind or rain, they have been guilty of no Promethean rape, they have bitten no apple. They build no fences, holding their watery inheritance undivided. Beyond all other living things they mind their own business. They have not degenerated to the necessity of reform, swallowing no social pills, but living quietly on each other in a true primitive community. They are vexed with no theories of the currency which go deeper than the Newfoundland Banks. *Nimium fortunati!* We wish Mr. Thoreau would undertake a report upon them as a private enterprise. It would be the most delightful book of natural history extant.

Mr. Thoreau's volume is the more pleasant that with all its fresh smell of the woods, it is yet the work of a bookish man. We not only hear the laugh of the flicker, and the watchman's rattle of the red squirrel, but the voices of poets and philosophers, old and new. There is no more reason why an author should reflect trees and mountains than books, which, if they are in any sense real, are as good parts of nature as any other kind of growth. We confess that there is a certain charm for us even about a fool who has read myriads of books. There is an undefinable atmosphere around him, as of distant lands around a great traveller, and of distant years around very old men. But we think that Mr. Thoreau sometimes makes a bad use of his books. Better things can be got out of Herbert and Vaughan and Donne than the art of making bad verses. There is no harm in good writing, nor do wisdom and philosophy prefer crambo. Mr. Thoreau never learned bad rhyming of the river and the sky. He is the more culpable as he has

shown that he can write poetry at once melodious and distinct, with rare delicacy of thought and feeling.

"My life is like a stroll upon the beach,
As near the ocean's edge as I can go,
My tardy steps its waves sometimes o'erreach,
Sometimes I stay to let them overflow.

"My sole employment 't is, and scrupulous care,
To place my gains beyond the reach of tides,
Each smoother pebble, and each shell more rare,
Which ocean kindly to my hand confides.

"I have but few companions on the shore,
They scorn the strand who sail upon the sea,
Yet oft I think the ocean they've sailed o'er
Is deeper known upon the strand to me.

"The middle sea contains no crimson dulse,
Its deeper waves cast up no pearls to view,
Along the shore my hand is on its pulse,
And I converse with many a shipwrecked crew."

If Mr. Emerson choose to leave some hard nuts for posterity to crack, he can perhaps afford it as well as any. We counsel Mr. Thoreau, in his own words, to take his hat and come out of that. If he prefer to put peas in his shoes when he makes private poetical excursions, it is nobody's affair. But if the public are to go along with him, they will find some way to boil theirs.

We think that Mr. Thoreau, like most solitary men, exaggerates the importance of his own thoughts. The "I" occasionally stretches up tall as Pompey's pillar over a somewhat flat and sandy expanse. But this has its counterbalancing advantage, that it leads him to secure many a fancy and feeling which would flit by most men unnoticed. The little confidences of nature which pass his neighbours as the news slip through the grasp of birds perched upon the telegraphic wires, he received as they were personal messages from a mistress. Yet the book is not solely excellent as a Talbotype of natural scenery. It abounds in fine thoughts, and there is many a critical *obiter dictum* which is good law, as what he says of Raleigh's style.

"Sir Walter Raleigh might well be studied if only for the excellence of his style, for he is remarkable in the midst of so many masters. There is a natural emphasis in his style, like a man's tread, and a breathing space between the sentences, which the best of modern writing does not furnish. His chapters are like English parks, or say rather like a western forest, where the

larger growth keeps down the underwood, and one may ride on horseback through the openings."

Since we have found fault with some of what we may be allowed to call the worsification, we should say that the prose work is done conscientiously and neatly. The style is compact and the language has an antique purity like wine grown colorless with age. There are passages of a genial humor interspersed at fit intervals, and we close our article with one of them by way of grace. It is a sketch which would have delighted Lamb.

"I can just remember an old brown-coated man who was the Walton of this stream, who had come over from Newcastle, England, with his son, the latter a stout and hearty man who had lifted an anchor in his day. A straight old man he was who took his way in silence through the meadows, having passed the period of communication with his fellows; his old experienced coat hanging long and straight and brown as the yellow pine bark, glittering with so much smothered sunlight, if you stood near enough, no work of art but naturalized at length. I often discovered him unexpectedly amid the pads and the gray willows when he moved, fishing in some old country method,—for youth and age then went a fishing together,—full of incommunicable thoughts, perchance about his own Tyne and Northumberland. He was always to be seen in serene afternoons haunting the river, and almost rustling with the sedge; so many sunny hours in an old man's life, entrapping silly fish, almost grown to be the sun's familiar; what need had he of hat or raiment any, having served out his time, and seen through such thin disguises? I have seen how his coeval fates rewarded him with the yellow perch, and yet I thought his luck was not in proportion to his years; and I have seen when, with slow steps and weighed down with aged thoughts, he disappeared with his fish under his low-roofed house on the skirts of the village. I think nobody else saw him; nobody else remembers him now, for he soon after died, and migrated to new Tyne streams. His fishing was not a sport, nor solely a means of subsistence, but a sort of solemn sacrament and withdrawal from the world, just as the aged read their bibles."

ART. III.—A SCIENTIFIC STATEMENT OF THE
DOCTRINE OF THE LORD, OR DIVINE MAN.

THE Christian doctrine of the Lord, or Divine Man, rests upon this fundamental axiom, that God alone is being, or life in Himself. Man is not being, but only a subject of being, only a form or image of being. His being is not absolute, but phænomenal, as conditioned in space and time. But God's being is utterly unconditioned either in space or time. It is infinite, not as comprehending all space, but as utterly excluding the bare conception of space; and eternal, not as comprehending all time, but as utterly excluding the bare conception of time. He is not a subject of being, but being itself, and therefore the sole being.

Consistently with this fundamental axiom, we are bound to deny that the creature of God has any being or substance in himself. The substantial being or life of every creature is God, while the creature is but a form or image of God. The creature is not another being than God, nor yet is he an identical being with God; because the creature is not being at all, but only a shadow or reflection of being. You would not call the shadow of the tree on the ground another substance than the tree itself, nor yet the same substance, for the reason that the shadow is not any substance at all, but merely the image of a substance. So man, the shadow or image of God, is neither a different being from God, nor yet an identical being, because he is not any being whatever but only the reflection of being. Thus God's creature is without any being or substance in himself, his selfhood being nothing more than an image or reflection of the only and universal being, which is God. The internal of every man is God. The external, or that which defines the man, defines his self-consciousness, is only a shadow or reflection of this internal.

These things being granted, which they must be as it seems to the writer, unless one prefers to deny the fact of creation, it follows from them that the universe of creation is a vast theatre of imagery or correspondence. If God be the sole and therefore universal being, his universal creature can be nothing more and nothing less than His image or shadow. And if the creature be only the image or shadow of God, then creation itself is not the origination of any new being or substance on the part of God, but only the revelation or imaging

forth of a being which is eternal and unchangeable. Thus in the light of the principles here stated, the created universe resolves itself both in whole and in part into an imagery or correspondence of God, and the universal science consequently, or the science of sciences, becomes the science of correspondence.

If now all this be true, if it be true that creation can be nothing more and nothing less than the revealing or imaging forth of God, then some momentous results immediately ensue to our theology and philosophy. Primarily it results that the true creature of God is not finite, cannot be comprehended within the laws of space and time. For as the creature is only an image or reflection of God, and as God being eternal and infinite is utterly ignorant both of time and space, so His true creature cannot be finited by these conditions. Thus the life of nature, or that life which lies within the laws of space and time, does not image God. The only life which does image Him consequently is one that transcends these laws, being a spiritual life, and this life belongs exclusively to man.

But in order to justify this affirmation, it is necessary to state what we mean by spirit as distinguished from sensible nature. In speaking of the spirit of a thing in contradistinction to the sensible thing itself, nothing else is meant than its distinctive genius, or faculty of operation. For example, the horse is an outward form discernible by my senses from all other natural forms. But there is something more in the horse than meets my eye, namely, a certain faculty or capacity of use, which constitutes his distinctive spirit or genius, and is cognizable only by the eye of my understanding. Thus what is spiritual about the horse is what lies within his material form, and constitutes his power or faculty of use. This faculty is different in the horse from what it is in every other animal, the cow, the sheep, the ox, the lion, the elephant, etc. Take another example from the sphere of the arts. My hat is an artificial form sensibly distinct from all other forms. But this outward or sensible form of the hat does not exist by itself. It embodies a certain use or function, namely the protection of my head, which use or function constitutes its spirit. In short the spirit of a thing is the end or use for which it exists. Thus you may take the whole range either of nature or the arts, and you will find everything existing for a certain use beyond itself, which use is the spiritual ground or justification of its existence. Nature is properly nothing more than the

robe or garment of spirit. It is only the tabernacle or house of spirit, only the subservient instrument or means by which spirit subsists and becomes conscious. Every thing in nature without any the most insignificant exception embodies an internal use or capacity of operation, which constitutes its peculiar spirit. Deprive it of this internal use or capacity not only actually or for a limited time, but potentially or for ever, and you deprive it of life. Exhaust the power of the horse to bear a burden and draw a load, of the cow to produce milk, of the sheep to produce wool, of the tree to produce fruit or seed, and you at the same time consign them all to death. For death, or the departure of the spirit from the body, means in every case the cessation of the subject's capacity of use. Thus nature in all its departments is merely the vehicle or minister of spirit. Its true sphere is that of entire subjection to spirit, and never since the world begun has an instance occurred of its failing to exhibit the most complete acquiescence in this subjection.

But if this spiritual force reside in Nature; what hinders any natural form being a true revelation or image of God? If for example the horse possess a spiritual substratum, why does not the horse image God? The reason is obvious. The spirit of the horse is not his own spirit. He is entirely unconscious of it. He performs incessant uses to man, but does not perform them *of himself*. His end is external to himself. The object of his actions does not fall within his own subjectivity. The spirit of universal nature is a spirit of subjection to some external power. It never manifests itself spontaneously, but always in obeisance to some outward constraint. Thus the horse does not spontaneously place himself in the harness. The cow does not come to your dairy, to make a spontaneous surrender of her milk. The sheep feels no spontaneous impulsion to deposite his fleece at your door. Nor does the tree inwardly shape itself in order to supply you with apples. In short there is no such thing as a spiritual horse — cow — sheep — or apple tree.

Sic vos non vobis nificatis aves,
 Sic vos non vobis vellera fertis oves,
 Sic vos non vobis mellificatis apes,
 Sic vos non vobis fertis aratra boves.

No, all these performances are for the benefit of man. The whole realm of nature is destitute of a spiritual consciousness, of such a consciousness as elevates any of its forms to the

dignity of a person. No animal is conscious of a selfhood distinct from its outward or natural limitations. No animal is capable of suicide, or the renunciation of its outer life, on the ground of its no longer fulfilling the aspiration of its inner life. Thus nature is destitute of any proper personality. The only personality it recognizes is man. To him all its uses tend. Him all its powers obey. To his endowment and supremacy it willingly surrenders itself, and finds life in the surrender. Take away man accordingly, and nature remains a clod, utterly spiritless — impersonal — dead.

Thus nature does not image or reveal God. For God's activity is not imposed. It is spontaneous, or self-generated. It flows from Himself exclusively, and ignores all outward motive. Hence God's true creature or image is bound above all things to exhibit that power of self-derived or spontaneous action which constitutes our idea of the divine personality.

Accordingly it is man alone who fulfils this requisition. Man alone possesses personality, or the power of self-derived action. Personality, the quality of being a person, means simply the power of self-derived or super-natural action, the power of originating one's own action, or, what is the same thing, of acting according to one's own sovereign pleasure. It means a power of acting unlimited by any thing but the will of the subject. Thus, in ascribing personality to God, we do not mean to assert for him certain bodily limitations palpable to sense, which would be absurd ; we mean merely to assert His self-sufficiency or infinitude — His power to act according to His own sovereign pleasure. We mean, in plain English, to assert that He is the exclusive source of His own actions. So also, in ascribing personality to man and denying it to the horse, we mean to assert that man possesses the power of supernatural or infinite action, the power of acting independently of all natural constraint, and according to his own individual or private attractions, while the horse has not this power. Man's action, when it is truly personal, has its source in himself, in his own private tastes or attractions, as contradistinguished on the one hand from his physical necessities, and on the other from his social obligations ; therefore we affirm man's personality, or his absolute property in his actions. Nature's action has not its source in any interior self, but in some outward and constraining power ; therefore we deny nature any personality, any absolute property in its actions. When the fire burns my incautious finger, I do not

blame the fire, and why? Because I feel that the fire acts in strict obedience to its nature, which is that of subjection to me, and that I alone have been in fault, therefore, for reversing this relation and foolishly subjecting myself to it.

But now, if personality imply the power of self-derived or spontaneous action, then it is manifest that this power supposes in the subject a composite selfhood. It supposes its subject to possess an internal or spiritual self as the end or object of the action, and an external or natural self as its means or instrument. For clearly, when you attribute any action to me personally, or affirm my exclusive property to it, you do not mean to affirm that it was prompted by my nature, that nature which is common to me and all other men, but by my private taste or inclination. You hold that I have some internal end, some private object to gratify by it, and thereupon you declare the action mine. I repeat, then, that personality, or the power of self-derived action, supposes a dual or composite selfhood in the subject, a selfhood composed of two elements, one internal, spiritual, or private, the other external, natural, or public.

But this is not all. Personality, or the power of self-derived action, not only supposes this composite selfhood in the subject, not only supposes him to possess an internal self and an external self, but it also supposes that these two shall be perfectly united in every action which is properly called his. For example, I perform a certain action which you pronounce mine on the ground of its having visibly proceeded from my hand. Now I say, this is not sufficient to prove the action absolutely mine. In order to prove it absolutely mine, you must not only show that it was done by my hand or my external self, but also that this external self did not at the time dominate or overrule my internal self. If the two elements of my personality were not perfectly united, perfectly concurrent, in the action; if the internal self were overruled by the external, or *vice versa*; then the action is not truly mine, is not a legitimate progeny of my will and understanding, but a bastard or *filius nullius*, abhorred of God and man.

Let me precisely illustrate my meaning by a case in point. A certain man is murdered by me. You witness the deed and denounce me as a murderer. On my trial it is proved that the deceased stood in the way of a certain inheritance coming to me; that I had exhibited various marks of vexation at this circumstance, and had been heard to wish him out of the way, and even threaten to remove him myself. Your direct

testimony, backed by such evidence as to my state of mind with regard to the deceased, leaves no doubt as to my actual guilt. I am accordingly convicted and hanged. For all that the community wants to know is, which of its members actually committed the deed, that knowing this they may proceed to avenge it. The care of the state extends only to the outward or public life of its members, not to their inner or private interests. In making inquisition into the murder, it has no desire to decide as to my interior or spiritual condition; this it leaves to God, who sees the heart. It only seeks to know the actual perpetrator, that it may not punish the innocent for the guilty. Thus, in pronouncing the murderous deed mine, it does not mean to say that it pertains to me spiritually, but only outwardly or visibly; pertains to me, A. B., as outwardly distinguished from C. D., E. F., and the rest. To outward view, then, or in man's sight, the action is doubtless mine, and I submit my body to man's law. But now, admitting the deed to be thus far mine, admitting that I actually slew the man, and am therefore responsible to the extent of my natural life; is this deed necessarily mine to inward view also, or in God's sight?

I unhesitatingly say, No, and for this reason, that my internal or spiritual self and my external or natural self did not really *unite* in it, but the former was overruled by the latter? How "overruled"? I will show you.

Suppose me very much to dislike living in Germany, or any other of the old European states. The language, the manners, and the customs of the country are all foreign to my habit, and I do not spontaneously make my abode in it. But I am poor, with very few resources against natural want, and I hear of a fortune being left me in Germany, on condition of my going there to reside. I accordingly go. Now in this case my private or spiritual repugnance to this step was overruled by my natural necessities. If I had enjoyed an ample supply of these necessities, I should not have gone. My spiritual aversion to the step would not have allowed it. But I was absolutely destitute of provision for my natural wants, save at the expense of abject toil, which a man hates, and it was the outward or natural destitution, which constrained my spirit into obedience. Thus my spirit was overruled or dominated by my flesh, and the result consequently is that though to outward appearance or in man's sight I am in Germany, yet in

reality or in God's sight I am still in America — that though my body is in Germany, my spirit is a thousand leagues away.

This example illustrates what I mean by "overruling" in the case of the murder. I say that the action in this case, though apparently mine or mine in man's sight, as having been performed by my hand, was yet not really or spiritually mine, was not mine in God's sight, because in doing it my spirit was overruled by my nature, and did not yield a spontaneous concurrence. I desired a certain inheritance capable of relieving me from pressing natural want. The longer I felt the want, the more urgent grew my desire for that which would relieve it, until at last it overcame my internal or spiritual repugnance to murder so far as to allow me to slay him who alone stood in the way of its gratification. I am not attempting to palliate the enormity of the act. It is perfectly detestable in itself, and will always be so. I merely deny that my spirit and my flesh were *one* in it, which unity is necessary in every act that is spiritually mine. I merely assert that my spirit was *overruled* by my flesh to do this evil thing. The flesh gathered potency from want, from actual destitution, overruled or constrained the spirit to its ends, and the action consequently, instead of being really or intentionally mine, is referrible exclusively to what the theologians call a *depraved nature*, meaning thereby a nature disunited or inharmonic with spirit. The universal heart of man ratifies this judgment, or acquits me spiritually of the deed, when it commends me to the mercy of God. You have forfeited man's mercy, say they; betake yourself, therefore, to that of God, which is infinite, or open to all degrees of defilement.

No one dares forbid me, all red as I am with my brother's blood, from hoping in God. This is a fact full of meaning. The meaning of it is that we do not believe any man to be evil at bottom or in his inmost heart, but only from a lack of outward freedom. The meaning of it is that we consider none of our judgments final, since they extend only to appearances, but look to have them overruled and corrected by Him who sees the inmost heart, and judges therefore according to the reality. A divine instinct, in truth, in every soul of man, continually derides all our criminality as transient or unreal, so that no criminal ever shows himself so black as to make us feel that he is beyond God's power to bless. No man does evil save from the stress of nature or society, save from a false position with respect to his own body or to his fellow-man.

Accordingly we never hesitate to consign the worst of criminals to the boundless clemency of God. If we really believed the man to be bad in himself, bad independently of his physical and social conditions, we should never dare send him to God. We should do all in our power to hide him from God, as from a devouring pestilence.

Here let us pause a moment to survey the ground we have traversed. We have seen that creation is but the revelation or imaging forth of divine personality. We have consequently seen that nature is incompetent to this revelation, because nature is destitute of personality, destitute of power to originate its own action. And finally we have seen that man is the only competent revelation or image of God, because man alone possesses personality. So far we have attained.

But now, from the definition given of personality, it is manifest that it is to be ascribed to man only in his very inmost or highest development, and not at all in his physical or social relations. For personality, when applied to any subject, affirms the subject's infinitude or perfection, affirms, in other words, the subject's entire sufficiency unto himself. It affirms his self-sufficiency or perfection, because it implies the power of originating his own action. He who has power to originate his own action is sufficient unto himself, and to be sufficient unto one's-self is to be infinite or perfect. Infinitude or perfection means self-sufficiency. I admit the words are often used by rote, or without any definite intention. But whenever they are used intelligently, they are designed to express the subject's self-sufficiency. We can form no conception of the divine infinitude or perfection other than is expressed by saying that He is sufficient unto Himself. And if we further ask ourselves what we mean by His being sufficient unto Himself, we reply instinctively that we mean to express His power to originate His own action. This power, which is inherent in God, is the basis of His personality or character, is that thing without which to our conception He would not be God, that is, would not be infinite or perfect. Had He not this power He would be finite or imperfect. His power, like that of nature, would be limited by something external to Himself.

If, therefore, personality, when applied to any subject, expresses his infinitude or perfection, expresses his self-sufficiency, it is manifest, as was said before, that it cannot be applied to man in every aspect of his subjectivity, namely, as

a subject either of nature or of his fellow-man, but only in his very highest aspect, which is that of a divine subject. For man's highest or inmost subjection is a subjection to God, which lifts him entirely beyond the sphere of necessity or duty, and indeed enables him, if need be, to lay off the bodily life and the friendship of men as easily as he lays off his garments at night. This subjection of man to God is involved in the very relation of Creator and creature. For the Creator being essential life, life in itself, cannot communicate life, save by communicating Himself, to the creature. And He cannot communicate Himself save in so far as the creature be made receptive, which receptivity becomes effected by means of the creature's natural and moral experience, the issue of which is to exalt him above nature and above society, endowing him with the lordship or supremacy of the external universe. Man's natural activity degrades or obscures his personality. It is not spontaneous — does not originate in his internal self, but in a mere necessity of his nature common to all its partakers. Instead of expressing his distinctive personality, therefore, it expresses a common property of all men. Regarded as a subject of nature, therefore, man lacks personality, lacks at least all such personality as reflects the divine.

His moral subjectivity presents a similar fatal defect. Morality covers my relations to society or my fellow-man. Thus, as my natural action is conditioned upon a law of necessity, or of subjection to nature, so my moral action is conditioned upon a law of duty, or of subjection to my fellow-man. I act morally only in so far as I act under obligation to others, being morally good when I practically acknowledge, and morally evil when I practically deny, this obligation. Thus morality displays me in subjection not to God, but to society or my fellow-man, and thus equally with nature denies me proper personality. For personality implies the subject's absolute property in his action, which property is impossible unless the subject constitute also the object of the action, or, in other words, unless the object of the action fall *within*, be internal to, the subject's self, and this condition is violated when I act not to please myself, but to please my fellow-man. Hence neither man's natural nor his moral action confers a divine or perfect personality on him. The former does not because it displays him in subjection to nature. The latter does not because it displays him in subjection to his fellow-man. Both the moral and natural man are imperfect. Both fail to exhibit that bal-

anced or self-centred action, which is the exclusive basis of personality, and both alike consequently fail to express the DIVINE MAN, or accomplish the divine image in humanity.

But here it may be asked whether benevolence does not confer personality. Decidedly not, for the reason that benevolent action is not spontaneous, but purely sympathetic. Personal action—all action which warrants the ascription of personality to the subject—is of necessity spontaneous, or inwardly begotten. I say of necessity, because action which is outwardly begotten, or originates in something foreign to the subject, does not pertain to him absolutely but only partially, pertains to him only as he stands involved in nature or society. Now sympathetic action evidently falls under this latter category, being begotten not from within but from without the subject's self, as the etymology of the word indicates. It supposes a want on the part of somebody not the subject, disposing the latter to relieve it. If, therefore, you take away suffering from all others, you take from the benevolent subject all power of action. And surely no one will consider that is a divine or perfect personality, whose power of action is controlled by circumstances foreign to himself.

Thus the fundamental requisite of personality, namely, that it attest the subject's self-sufficiency or perfection by exhibiting in him the power of self-derived action, is necessarily made void in all purely benevolent action. And the inevitable conclusion therefore is that the benevolent man, as such, does not possess true personality, or is incompetent to image God.

Who, then, *is* the true divine man? Who of all mankind possesses personality, and thus constitutes the image of God in creation? Evidently it must be some one who unites in himself, or harmonizes, all those finite or imperfect men. For the divine man does not exclude the natural man, nor the moral man, nor the sympathetic man, nor any other phasis of humanity. These are all constituent elements of the human nature, and the perfect man is bound not to exclude but accept them, blending and reconciling all in his own infinite manhood, in his own unitary self. These men are the geometric stones of the divine edifice of humanity; they are by no means the edifice itself, but its indispensable *material*, and he therefore who should attempt to construct the edifice to their exclusion, would necessarily have his work about his ears.

Who, then, is the perfect or divine man, the man who actually reconciles in himself all the conflicting elements of hu-

manity? Is any such man actually extant? If so, where shall we find him?

We find him in the æsthetic man, or Artist. But now observe that when I speak of the æsthetic man or Artist, I do not mean the man of any specific function, as the poet, painter, or mariner. I mean the man of whatsoever function, who in fulfilling it obeys his own inspiration or taste, uncontrolled either by his physical necessities or his social obligations. He alone is the Artist, whatever be his manifest vocation, whose action obeys his own internal taste or attraction, uncontrolled either by necessity or duty. The action may perfectly consist both with necessity and duty; that is to say, it may practically promote both his physical and social welfare; but these must not be its animating principles, or he sinks at once from the Artist into the artisan. The artisan seeks to gain a livelihood or secure an honorable name. He works for bread, or for fame, or for both together. The Artist abhors these ends, and works only to show forth that immortal beauty whose presence constitutes his inmost soul. He is vowed to Beauty as the bride is vowed to the husband, and beauty reveals herself to him only as he is true to his inmost soul, only as he obeys his spontaneous taste or attraction.

The reason accordingly why the painter, the poet, the musician, and so forth, have so long monopolized the name of Artist, is, not because Art is identical with these forms of action, for it is identical with no specific forms, but simply because the poet, painter, and so forth, more than any other men, have thrown off the tyranny of nature and custom, and followed the inspirations of genius, the inspirations of beauty, in their own souls. These men to some extent have sunk the service of nature and society in the obedience of their own private attractions. They have merged the search of the good and the true in that of the beautiful, and have consequently announced a divinity as yet unannounced either in nature or society. To the extent of their consecration, they are priests after the order of Melchisedec, that is to say, a priesthood, which, not being made after the law of a carnal commandment, shall never pass away. And they are kings, and reign by a *direct* unction from the Highest. But the priest is not the altar, but the servant of the altar; and the king is not the highest, but the servant of the Highest. So painting, poetry, is not Art, but the servant and representation of Art. Art is divine, universal, infinite. It therefore exacts to itself infinite

forms or manifestations, here in the painter, there in the actor; here in the musician, there in the machinist; here in the architect, there in the dancer; here in the poet, there in the costumer. We do not therefore call the painter or poet, Artist, because painting or poetry is a whit more essential to Art than ditching is, but simply because the painter and poet have more frequently exhibited the life of Art by means of a hearty insubjection to nature and convention.

When, therefore, I call the divine man, or God's image in creation, by the name of Artist, the reader will not suppose me to mean the poet, painter, or any other special form of man. On the contrary, he will suppose me to mean that infinite and spiritual man whom all these finite functionaries represent, indeed, but whom none of them constitutes, namely, the man who in every visible form of action acts always from his inmost self, or from attraction, and not from necessity or duty. I mean the man who is a law unto himself, and ignores all outward allegiance, whether to nature or society. This man may indeed have no technical vocation whatever, such as poet, painter, and the like, and yet he could be none the less sure to announce himself. The humblest theatre of action furnishes him a platform. I pay my waiter so much a day for putting my dinner on the table. But he performs his function in a way so entirely *sui generis*, with so exquisite an attention to beauty in all the details of the service, with so symmetrical an arrangement of the dishes, and so even an adjustment of every thing to its own place, and to the hand that needs it, as to shed an almost epic dignity upon the repast, and convert one's habitual "grace before meat" into a spontaneous tribute, instinct with a divine recognition.

The charm in this case is not that the dinner is all before me, where the man is bound by his wages to place it. This every waiter I have had has done just as punctually as this man. No, it is exclusively the way in which, it is set before me, a way altogether peculiar to this man, which attests that in doing it he is not thinking either of earning his wages, or doing his duty towards me, but only of satisfying his own conception of beauty with the resources before him. The consequence is that the pecuniary relation between us merges in a higher one. He is no longer the menial, but my equal or superior, so that I have felt, when entertaining doctors of divinity and law, and discoursing about divine mysteries, that a living epistle was circulating behind our backs, and quietly

ministering to our wants, far more apocalyptic to an enlightened eye than any yet contained in books.

The reader may deem the illustration beneath the dignity of the subject. The more is the pity for him in that case, since it is evident that his eyes have been fixed upon the shows of things, rather than upon the enduring substance. It is not indeed a dignified thing to wait upon tables. There is no dignity in any labor which is constrained by one's necessities. But still no function exists so abject or servile as utterly to quench the divine or personal element in it. It will make itself manifest in all of them, endowing them all with an immortal grace, and redeeming the subject from the dominion of mere nature and custom.

But whether the illustration be mean or not, it is fully to the point. The divine life in every man, the life which is the direct inspiration of God, and therefore exactly images God, consists in the obedience of one's own taste or attraction, where one's taste or attraction is uncontrolled by necessity or duty, by nature or society. I know that this definition will not commend itself to the inattentive reader. But let me leave my meaning fully expressed. I say, then, that I act divinely, or that my action is perfect, only when I follow my own taste or attraction, uncontrolled either by my natural wants or my obligations to other men. I do not mean that I act divinely when I follow my attractions to the denial of my physical wants and my social obligations; but only in independence of them. If these things control my action, it will not be divine.

For example, I have what is ordinarily called a great love of luxury. That is, I have a spontaneous desire after all manner of exquisite accommodations for my body. I desire a commodious and beautiful house, graceful and expressive furniture, carriages and horses, and all the other appliances of easy living. But I lack the actual possession of all these things. I am utterly destitute of means to procure them. Yet my inextinguishable love for them prompts me incessantly to action. Now you perceive that my action in this case, being shaped or controlled by my want of all these things, cannot be free or spontaneous, cannot be divine as expressing myself alone. It will in fact be thoroughly servile. It will be abject toil instead of free action. That is, I shall probably begin by some low manual occupation, such as sawing wood or portering. I shall diligently hoard every penny accruing from my occupa-

tion not necessary to my subsistence, that I may in time arise to a more commanding vocation, in which I may realize larger prices, and so on until I shall have at length attained my wishes, and achieved the necessary basis of my personality. This action, then, is completely undivine ; it does not originate in myself as disengaged from nature and my fellow-man, but in myself as still involved in subjection to them, and burning to become free. So long as this condition of bondage lasts, you may be very sure that my action will be the action of a slave, and that the deference I pay to morality will be purely prudential. If the great end, which is my personal emancipation, can be better secured by strict attention to its maxims, of course I shall observe them. But if not, I shall be likely to use *meum* and *tuum* quite indifferently, feeling, as the children of Israel felt on the eve of their emancipation from Egypt, that the spoils of the oppressor are divinely due to the oppressed.

But now, on the other hand, suppose my emancipation accomplished ; suppose me in possession of all natural good, and of all social privileges ; suppose, in a word, that I am no longer in bondage to nature or society, having secured ample wealth and reputation, and become free, therefore, to act according to my own sovereign taste ; then you perceive, at a glance, that this love of luxury in my bosom, instead of leading me merely to the accumulation of wealth, would prompt me exclusively to creative action, or a mode of action which would enrich the community as much as myself. For, having now all that nature and society yielded for the satisfaction of this love, the love would not thereupon become extinct or satiated : on the contrary, it would burn all the brighter for the nourishment it had received, and impel me, therefore, to new and untried methods of gratifying it. Thus, instead of a mere absorbent or consumer, which my natural and social destitution rendered me, I should now become an actual producer of new wealth ; a producer, too, whose power would be as infinite as the love which inspired it was infinite, being derived from the infinite God Himself.

A man, then, does not truly act at all, does not act in any such sense that the action may be pronounced absolutely *his*, so long as his personality remains undeveloped ; so long as he remains in bondage to nature or society. Before he can truly act or show forth the divine power within him, he must be in a condition of perfect outward freedom, of perfect insubjection to nature and society ; all his natural wants must be

supplied, and all social advantages must be open to him. Until these things are achieved his action must be more or less imperfect and base. You may, indeed, frighten him into some show of decorum by representations of God as an infallible policeman, intent always on evil-doers, but success in this way is very partial. The church itself, in fact, which authorizes these representations, incessantly defeats their force by its doctrine of absolution, or its proclamation of mercy to the most successful villainy, if only repentant at the last gasp. Not only the church, but the whole current of vital action defeats these safeguards. Thus, our entire system of trade, as based upon what is called "unlimited competition," is a system of rapacity and robbery. A successful merchant like Mr. A. or B. is established only on the ruins of a thousand unsuccessful ones. Mr. A. or B. is not to be blamed individually. His heart is destitute of the least ill-will towards the man whom, perhaps, he has never seen, but whom he is yet systematically strangling. He acts in the very best manner society allows to one of his temper, or genius. He feels an unmistakably divine aspiration after unlimited power; a power, that is, which shall be unlimited by any outward impediment, being limited only by his own interior taste or attraction. He will seek the gratification of this instinct by any means the constitution of society ordains: thus, by the utter destruction of every rival merchant, if society allows it.

So much for Mr. A. or B. regarded as in subjection to nature and society, or as still seeking a field for his personality. But this is not the final and divine Mr. A. or B. The final and divine Mr. A. or B. will have subjected both nature and society to himself, and will then exhibit, by virtue of that very force in him, which is now so destructively operative, a personality of unmixed benignity to every one. The voice of God, as declared in his present instincts after unlimited power, bids him as it bade the Israelites of old, to spoil the oppressor, to cleave down every thing that stands in the way of his inheritance. But suppose him once in possession of that inheritance; suppose him once established in that good land which flows with milk and honey, and which God has surely promised him, and you will immediately find the same instinct manifested in measureless and universal benediction.

The Artist, then, is the Divine Man, — the only adequate image of God in nature, — because he alone acts of himself, or finds the object of his action always *within* his own subjectivity.

He is that true creature and son of God, whom God pronounces very good and endows with the lordship of the whole earth. It would not be difficult, in the writer's estimation, to show the reason why the evolution of this man has required the whole past physical and moral experience of the race, nor yet to show how perfectly he justifies all the historic features of Christianity, standing symbolized under every fact recorded in the four gospels concerning the Lord Jesus Christ. In some other place, or at least on some future occasion, the writer will undertake these tasks.

ART. IV. — VALIDITY OF INSTRUMENTS AND CONTRACTS EXECUTED ON SUNDAY.

It is often said, especially when conversation takes a jocular turn, that among the old "Blue Laws" of Connecticut, or rather of New Haven, was one which forbade husbands to kiss their wives, or mothers to caress their children, on Sundays. The prohibition to eat mince pies on Christmas is perfectly authentic, but no such Sunday act as that above referred to anywhere now appears of record. The circulation of the story must be explained as what the Germans call a *myth*, embodying the popular idea of the special stringency of Connecticut Sunday legislation. That species of legislation, however, was and is by no means confined to Connecticut, or even to New England. There is no more lasting and widely diffused memorial of the partial, but by no means inconsiderable, success of the Puritans, in their memorable effort to reconstruct society upon the Jewish model, than the laws for the observance of "the Lord's day," which still maintain their place in the English and Scottish statute books, and which are yet to be found, in all their Jewish glory, among the existing legislative enactments of nearly every state in our American union. We must except, however, French Louisiana, and possibly one or two of the newer states.

It does not appear that before the time of the Puritans, any Christian community ever found it necessary to enforce by law so strict an observance of the Sabbath. Christianity, as it gradually supplanted Paganism, adopted many of its forms. Instead of imitating the austere, unsocial, unproductive Jewish

observance of Sunday, which consisted, so far, at least, as the law of Moses goes, in mere idleness, the more agreeable custom of the Pagans was adopted, among whom the solemn days were festivals, in which to religious worship were added games, amusements, and social intercourse. For an observance of Sunday like this, the natural disposition of men towards worship and social enjoyments was a sufficient guarantee without laws. To enforce an observance according to Puritanico-Jewish ideas, it is no wonder that laws became necessary. We are not aware, indeed, that any of our Anglo-Saxon communities, whose natural temperament, by the way, — harsh, domineering, rapacious, enthusiastic, and exclusive, — peculiarly adapted them for imbibing and reproducing Jewish ideas, ever went the length of enacting that the man who gathered sticks on the Sunday should be stoned, though "the great Cotton" did go the length of proposing such a law for Massachusetts; but they did provide, by enactments sufficiently stringent, for the exclusive devotion of the day to the propagation of Puritan ideas. By being put into the stocks on Sunday, — to say nothing of the discipline of week-days, — children, under this system, were gradually tormented into sufficient harshness of disposition and unfeeling austerity to qualify them for keeping up the system by inflicting on their own children what they, as children, had suffered.

In practice, as Puritanism has gradually faded out, these laws have lost a good deal of their efficacy, and are more and more, every day, disregarded with impunity. Massachusetts, especially, is greatly indebted to her Supreme Court for obstacles put in the way of those fanatics, who, from time to time, filled with new impulses of zeal, strive to avail themselves of existing enactments to go back towards the old theocracy which ruled this goodly state during the first sixty years of its colonial existence. In the year 1816, or thereabouts, at a time when Parker and Jackson sat together on the bench, shocked by the increase of Sunday travelling, some of our modern Puritans undertook to arrest all Sunday travellers, and, under a statute still in force, to subject them for their sins to certain penalties. But the Supreme Court put a damper on these proceedings by deciding, (13 Mass. R., 324, *Pearce vs. Atwood*,) in spite of the able argument on the other side by the late Governor Strong, that to issue a warrant and make arrests on Sunday for breach of the Sunday laws were just as much prohibited under the statute as any other

species of secular labor. They accordingly sustained an action for damages against a justice who had undertaken to issue these Sunday warrants, thus giving a very fair specimen of judicial adroitness in hanging fanaticism with its own rope. Two or three years before, while Parsons still sat on the bench, a person who had been cheated out of a debt in Connecticut, by the decision of the Supreme Court of that state that contracts made on Sunday were not binding, undertook to profit by his experience of Connecticut law and gospel, by setting up the same defence in Massachusetts, to a note which he himself had signed on Sunday, very likely with the intention, at the time of signing, of thereby escaping payment. The lawyer who set up this defence—Lincoln, afterwards himself a judge, and subsequently Governor of the state,—(10 Mass. R., 312, *Geer vs. Putnam*,) seemed rather ashamed of it, excusing himself by the express instructions of his client, founded on his experience in Connecticut; and the Court, apparently without any argument,—Parsons recollecting that the same defence had been raised and overruled in another county,—summarily disposed of the matter by deciding against the objection. This decision was expressly approved in a subsequent case, (16 Pick., 247, *Clap vs. Smith*); and so in this commonwealth, until very recently, the law was supposed to stand.

There is, in fact, no little need, in democratic as well as in aristocratic or monarchical governments, for learned, judicious, and liberal courts gradually to make those modifications in the law which enlightenment requires. If English jurisprudence has been gradually changed from a system of barbarous usages into a code which, on the whole, will stand favorable comparison with any that ever existed, that change is far more due to the courts than to the legislators. In spite of the ignorance, the negligence, in many cases in spite of the obstinate prejudices and opposition of the legislators, the English courts have gradually transfused into the dry, narrow, technical body of the Saxon-Norman feudal law, those comprehensive principles of equity first clearly expounded by the Roman juriconsults and transmitted to us in Justinian's code, and along with them the usages of modern commercial Europe, not less admirable for their justice and good sense, which constitute the mass of our mercantile law. To accomplish beneficent purposes like these, and at the same time to escape the imputation of setting the legislative will at defiance, the courts have often been

obliged to resort to pretty sharp constructions, indeed to lay down a system of rules for judicial interpretation liable, in certain respects, to the charge of quibbling and hair-splitting; sometimes sadly abused; but generally made use of for the defence of right and justice against the brute force of absurd or ignorant legislation. Craft, indeed, in the order of nature, is the weapon of the shrewd and weak against the tyranny of the ignorant and strong. But our courts, if they have often been as subtle as serpents, have also, for the most part, to their honor be it said, been as harmless as doves.

There was and is, in the case of the Sunday laws now under consideration, the more justification for the employment of a little legal craft,—just as much a vested right and constitutional authority on the part of the courts, as that of making statutes is on the part of the legislature, because our legislators are actually afraid to do that in the matter to which their own sense of propriety, their own private inclination, and the inclination, in fact, of the great mass of the public, would naturally lead them. Which party soever happens to be in power, it does not choose, by proposing the repeal of these laws and others of a like character, to give to its opponents the opportunity to open against it the floodgates of religious prejudice and oburgation. The fear of party leaders to draw down upon themselves the furious assaults of a small band of fanatics actually keeps on our statute books a very considerable number of laws, unhappy legacies of times past, which, if now attempted to be enacted for the first time, could not get one voice in ten in their favor. A court which supplies the timidity of the legislature by substantially nullifying such laws, does in reality but carry out the will of the people. It is, indeed, this carrying out of the popular will, this embodying into the law the enlightened public sentiment of the day, which forms the true justification of that which some “pseudo-democrats” have denounced under the name of “judicial legislation,” but which, notwithstanding, belongs to the best legislation we have had, and making, as it does, a part of our legal and constitutional system, is just as legal and constitutional as any other.

Timidity, however, is not exclusively the fault of legislators. Judges, notwithstanding the life term for which they hold their offices, are apt to be affected by it. A man of great and surpassing genius,—a Mansfield for instance,—will sometimes march boldly ahead and draw the public after him, but it is very seldom that a Mansfield sits upon the bench; and

when he does, the common-place judges that come after, often employ themselves in undoing a part of his work by revising and reversing, as far as they dare, his innovating decisions.

It has often been vehemently charged against Chief Justice Parsons, the greatest legal genius that ever adorned the New England bench, that his law was tainted and perverted by his liberal theology. The sticklers for old doctrines can never forgive him for having vindicated the right of our congregational churches to change their religious opinions without thereby forfeiting to the use of an orthodox minority, their name, their property, their organization, and their rights. A different decision was made in New Jersey; and by Lord Brougham also, whose strong disposition in favor of minorities, especially if it be a minority of one, has been of late so fully developed; but the substantial injustice of my lord chancellor's decision, though the sufferers by it were the most unpopular sect in the kingdom, to wit, the Unitarians, was so fully apparent, that the mischief of it was speedily remedied by a special act of parliament.

We may be mistaken, but two recent decisions of our supreme Court, (*Pattee vs. Greeley*, *Robeson vs. French*, the one in 1848, the other in 1846, not yet officially reported, but to be found in the monthly Law Reporter for October, 1848, and January, 1849,) look to us very much like a judicial attempt to propitiate the three-headed Cerberus of Massachusetts orthodoxy. These two decisions overturn, at least for the present, the doctrine above referred to, laid down by Parsons, and supported by the Supreme Court of his time, that a contract made on Sunday is just as binding as that made on any other day. It was held in the first of these cases, (the second in order of trial,) that a bond executed on Sunday, there being nothing to show that its execution on that day was a work of necessity or charity, was void; and in the second, that no action would be sustained on a warranty of a horse sold on Sunday, the sale on that day being prohibited by statute, and therefore not a bargain for the enforcement of which the courts would interfere,—a decision of which doubtless horse-jockeys will extensively avail themselves to make their trades on Sunday.

The statute which has been made the occasion of these innovations upon our Massachusetts law prohibits "any person from keeping open his shop, warehouse, or workhouse, or doing any manner of labor, business, or work, except only works of

necessity and charity, or being present at any dancing or any public diversion, show, or entertainment, or taking part in any sport, game, or play on the Lord's day," under a penalty of ten dollars.

The argument of the Court is, that executing a bond, or making a contract falls under the category of "labor, business, or work"; and is therefore prohibited, and that, according to a well-established principle of the law, all contracts contrary to morality, or made in the face of express statutes are *ipso facto* void, and of course not to be enforced. In the application of this principle to contracts made on Sundays, the court is sustained, not only by the practice of Connecticut, (2, Conn. R., 560, *Fox vs. Abel*,) but by decisions of the courts in several other states. In New York, a different doctrine is held; but the New York statute is different from that of Massachusetts in its phraseology, referring only to "servile labor" and "exposing goods for sale." Vermont, (6, Verm. R., 219, *Lyon vs. Strong*, 19th, 352, *Adams vs. Gay*); New Hampshire, (9, New Hamp. *Clough vs. Davis*,) and Pennsylvania, (6, Watts 231, *Kefner vs. Keefer*; 2 Miles, 402, *Burrell vs. Smith*; and 3, Watts and Serg. 402, *Fox vs. Minch*,) go with Connecticut; and the same is the case with Alabama. The like doctrine is also upheld by several recent English decisions, though prior to the enactment of the English Sunday statutes in Charles II.'s time, it had been held during the reign of Elizabeth, that contracts made on Sunday were, by the common law, good and binding. Had the court been really desirous of upholding the former doctrine on the subject; had they been totally unswayed by the tempting opportunity of exhibiting in the eyes of their orthodox fellow-citizens, their judicial and theological impartiality, it would not seem to have required any great stretch of legal acuteness to have sustained them in doing so. First, they had two decisions of our now Supreme Court, and one in New York quite equal here in Massachusetts in weight of authority to Connecticut, New Hampshire, Vermont, Pennsylvania and Alabama, reinforced though they are by similar decisions on the part of some recent English "evangelical" judges. As to the argument, it might have been said that this was a penal statute; a statute in abridgement of the natural liberty of mankind, trenching, also, very close on the constitutional provisions in favor of religious liberty, and therefore not to be stretched beyond the very letter. The intention of the framers, very likely, was to pro-

hibit every thing on Sunday except praying, preaching, and godly meditation. Indeed, as this enactment may be traced back on our statute book, even to the very days of the Blue Laws, probably enough of the original framers of it might have considered the very caressing of wives and children, above referred to, as included under the head of "sport, game, or play." It is even quite likely that stern old Wilson, and hard old Davenport would have pronounced the Sunday services in some of our Orthodox churches of to-day, in which a hired choir of perhaps theatrical singers is followed by a studied and elaborate specimen of evangelical rhetoric, as little better than "a public diversion, show, or entertainment," and therefore as falling within the prohibition of this law. But in construing such a statute as this, it is quite sufficient to follow the letter. That letter has imposed no penalty on bargains or contracts made on the Lord's day. It is the physical labor, the weighing or measuring of the goods, the writing or signing of the contract, which the law prohibits, not the mere mental consent in which the essence of the contract consists. Thus, for example, our law prohibits a marriage without the publication of bans, and imposes a penalty on the person celebrating it; but the marriage is good and valid nevertheless. In this case of Sunday contracts, as in that of the marriage, the argument based on the inconvenience of the opposite decision is very strong. We know it has been said to be a maxim of the courts, and has even been avowed by some great juriconsults, that decisions ought to be made not merely with a view to right and justice, but also with an eye to the benefit of the profession. Hence, the courts have been apt to insist, in matters of conveyances, for instance, on certain niceties and quibbles which render it impossible for such documents to be safely made without the assistance of some gentleman learned in the law. Nevertheless it might have been argued that the manifold doubts and uncertainties, and the multiplication of lawsuits likely to grow out of the contrary doctrine, was a sufficient reason for upholding the position hitherto maintained in this Commonwealth as to the validity of Sunday contracts. Some fruits of those doubts, we have already begun to reap. Thus we have recently seen a remarkable attempt to upset a will, in which the property at stake amounted to half a million or more, including a donation of a hundred thousand dollars to the observatory at Cambridge, on the sole ground that the will was executed on Sunday. We say the sole ground, for

though some pretences were set up of the incapacity of the testator, that part of the case broke down so completely that the lawyers must evidently have relied principally on the other. They failed, however, to satisfy the jury that the will was actually made on Sunday, and so the question of its invalidity on that ground was never reached. Had it been, it is not difficult to imagine the course of argument on either side; we will for the reader's amusement briefly indicate it. It would have been attempted to take the case out of the range of *Pattee* and *Greeley*, by setting up that the making of a will must always be regarded as a work of necessity. No man knows when he may die. He is as likely to die on Sunday as on any other day in the seven, and if his will remains unmade till the Sunday begins, he must make it then or not at all. It would have been argued besides, that, in this particular case, by reason of the legacy to the observatory, their particular will was a work of charity, as, indeed, all wills, in a certain sense, may be said to be, and we should have had some wondrous flights of rhetoric about the connection between astronomy and navigation, the longitude, ship-wrecks, and tempest-tost mariners. On the other side it would have been closely argued,—and the argument would have been very hard to get over,—that whether or not there was any necessity for making a will on Sunday must be tested by the court. That if a man, under apprehension of present death, or impressed with the precariousness of life makes his will on Sunday, and actually dies before Monday comes, or is smitten with a mortal sickness or incapacity of mind or body, which leaves him no secular hours thereafter in which he is in a fit state for business, then, indeed, it may be truly said there was a necessity to make the will on Sunday. But if he survives till Monday, in good health, there was, in fact, no such necessity, and the will is void. Then, again, as to the charity, the acts intended to be excepted by the law, evidently were such as carry with them a certain instant necessity, also, and not such acts as might just as well be postponed to the next day. Something like this would probably have been the line of argument, but, as we have seen, that matter is still left in doubt.

Meanwhile other doubts have been raised of a character truly distressing, liable to overwhelm the tender consciences of amiable formalists with the most poignant alarm, to shake the fortunes of many families, and to sow law-suits broadcast over the land.

It is well known to have been long the practice in New England, and the same practice exists in other States, for a very considerable proportion of marriages to be celebrated on Sunday. Some very scrupulous ministers we have heard of, worthy to sit at the right hand and to receive the honor of being standing chaplains to our Supreme Court, who, looking upon marriage as the law looks upon it, merely as a civil contract, and withal a somewhat carnal contract too, have refused to marry on Sundays; but these samples have been far from common. The doubt raised, and a very serious doubt too, is whether, according to the doctrine of *Pattee vs. Greeley*, all these marriages are not void, the parties liable to the state prison as guilty of lascivious cohabitation, the children bastards, not capable of inheriting, and all the distribution of property heretofore made under pretence of inheritance, among the children of such marriages, void and illegal. A learned gentleman who has volunteered in a recent number of the Law Reporter in defence of *Pattee vs. Greeley*, freely admits that all these horrible consequences must inevitably follow, and the cool composure with which he contemplates them, amply vindicates his claim to a very high seat in the Calvinistic synagogue. He who anticipates with complacency the eternal damnation of infinite thousands is quite raised above the weakness of troubling himself about the little evils of this world. Horrible as these consequences are, it will require more legal ingenuity than we have seen any recent exhibition of, to escape from them as inevitable consequences of the doctrine laid down in *Pattee vs. Greeley*.

There is, however, one view of the matter which seems wholly to have escaped the attention of the learned court, as well as of the learned gentlemen who have commented on this decision—a view which, as it strikes us, must prove fatal not only to the case of *Pattee vs. Greeley*, but to a considerable number of other cases in the reports of our own and other states, in which the state courts have undertaken to nullify contracts on the ground that they were made in contravention of state laws.

It has been very wisely provided in the Constitution of the United States,—and this provision has been guarded with watchful jealousy, as one of the Hesperidian apples of that instrument, by the United States Supreme Court,—that no state shall pass “any law impairing the obligation of contracts.” So far forth, then, as the state Sunday laws operate or are intended to operate, either directly or by implication,

to impair the obligation of any contract binding on the general principles of the law of contracts, such statutes are unconstitutional and void. The states, by consenting to this clause in the federal constitution, relinquished the power of employing the rescindment or nullification of contracts as one of the sanctions of their penal laws. If the states have the power to make a law invalidating all contracts made on Sunday, then, by extending this principle to each day of the week, one after the other, they may invalidate all contracts. If, under cover of a penal law, they can nullify any particular kind of contract, then, by inflicting a penalty of five dollars on the making of any contract at all for the payment of money or the doing of any particular thing *in futuro*, they may cut up the whole law of contracts by the roots.

The Supreme Court of the United States have taken a just distinction between the obligation of a contract and the remedy for its enforcement. The states have a right to modify the remedy, but they have no right to impair the obligation, either by taking away the remedy altogether, or by declaring such and such contracts not binding, which, but for such special acts of legislation, would have been so. This plainly does not touch the case of bargains which are void because they are against good morals; where the invalidity does not arise out of a particular statute, but out of the general principles of the law. The clause in the Constitution which deprives the state legislatures of the right of nullifying contracts, still leaves that power in the hands of the courts, to be exercised, however, not as the instrument and at the will of the legislature, but by their own inherent authority, and only according to the dictates of eternal justice.

This is not a case which requires or admits of much argument. The whole matter lies in a nut-shell. It is only necessary to put the clause in the Constitution and the Sunday act of our legislature, as expounded and understood by the court, in juxtaposition, to see that they cannot stand together so far as to have any effect upon contracts. Here is a contract binding in *foro conscientie*, and if there is any thing really sacred or peculiar in Sunday, then for that very reason, in the sight of God, still more binding; here is a contract good according to the general principles of morals, and good by the common law independently of statute modification, and here comes in a state law and declares that contract void! If this is not a law impairing the obligation of contracts, it is exceedingly difficult

to imagine what would be. If this view of the case be correct, — and we feel great confidence that the Supreme Court of the United States, on a writ of error, would sustain it, — it saves the horse-trades and the marriages ; but as a will is no contract, being a mere gift or grant to operate *in futuro*, Sunday wills would still be left in jeopardy. It is probable, however, if the rest of their doctrine on this subject were thrown overboard, in disgust at this forced abandonment of antiquated austerities, or perhaps secretly rejoicing at it, the Court would discover some way of releasing themselves from the necessity of preventing people from making wills on Sunday.

Apart, indeed, from this objection founded on the Constitution of the United States, it seems to us quite impossible to reconcile the Sunday laws and some others existing on our statute book with the provisions of the Constitution of Massachusetts. We know that the Supreme Court of Pennsylvania have, by a recent decision, sustained the constitutionality of the Sunday laws of that state. We admit, also, that the reasoning of our own Supreme Court, in the case of *Commonwealth vs. Kneeland*, would go the whole length of sustaining the Sunday laws, and of hanging people for heresy, too, had that old colonial law happened to have remained on our statute book. But in the whole multitudinous volumes of the Massachusetts reports, there is not a worse reasoned or weaker case than *Commonwealth vs. Kneeland*, as we hope to take some early opportunity to show.

ART. V. — *European Agriculture and Rural Economy. From Professional Observation.* By HENRY COLMAN, Honorary Member of the Royal Agricultural Society of England, of the National Agricultural Society of France, and of the National Agricultural Society of the United States. 1849. Boston: Little & Brown. London: John Petheram. 2nd Edition: 2 vols. 8vo. pp. xxvi. and 492, and xxiv. and 588.

THE agricultural mission of Mr. Colman to Europe we consider as a favorable sign of the times. Much the greater part of Mr. Colman's work is devoted to English agriculture, or that of the United Kingdom, where improvement has advanced with the most rapid pace and on the largest scale.

Mr. Colman's object was to give as full and accurate an account as was practicable of the Agriculture and Rural Economy of the United Kingdom, and of several states on the continent. His residence abroad for more than five years, and his extensive and intimate acquaintance with the most intelligent landholders and farmers, distinguished for their practical skill, and his opportunities for observation, gave him greater advantages for a thorough knowledge of his subject, than have been enjoyed by any of his countrymen. His great care to avoid any approach to a violation of the confidence of social life is very commendable, and forms quite a contrast to the practice of some American tourists.

Mr. Colman has long been well known to the public as an author in more than one department of knowledge ; but for some years past he has devoted his attention to agriculture as a practical farmer, and more especially to collecting agricultural information, and diffusing it among his fellow-citizens by his various publications.

For some years he was the Commissioner of Agriculture for the State of Massachusetts, until, from an ill-judged economy, as we thought, the office was abolished. Perhaps, however, this is not to be regretted, if it has been the cause of his agricultural tour in Europe, to which we owe the two volumes before us. Mr. Colman remarks :

"I am not for the first time on trial before the public. It is now approaching forty years since I first interested myself in the improvement of the agriculture of my country ; and during that whole time, few months have passed without some contributions on the subject from my pen to the public press. Whether, therefore, my writings are practical or not, the public have ample opportunity to judge."

"I claim no merit for myself but that of being a careful collector of what I deem valuable facts within my own or the agricultural experience of others ; and of stating these facts truly and perspicuously. I have carefully avoided all speculations and theories not fully confirmed ; and my constant study has been to make my statements intelligible to the humblest, and, if possible, at the same time, attractive to persons of cultivated minds. I have been most anxious to raise the profession of agriculture from its low estate to its proper dignity, as a humane and intellectual profession."

Many agricultural experiments have been tried in England, of which an accurate account would be highly instructive to an American farmer. The risk and expense of these enter-

prises may have been much beyond his ability, but he may derive much benefit from their success. The various improvements in husbandry, the thorough and complete tillage, the choice and application of manures, the rotation of crops, draining, irrigation, and the various modes of reclaiming land, may serve as useful guides for operations on a much smaller scale.

The British Islands, in round numbers, contain about 120,000 square miles, or about 76,000,000 acres. England and Wales, or South Britain, comprise nearly one half of this territory, and Scotland and Ireland each not far from one fourth, Great Britain being nearly three times as large as the neighbouring Emerald Isle. The territory of the two islands is somewhat larger than the New England states, with New York and New Jersey, or about fifteen times larger than the state of Massachusetts.

According to the most accurate calculations, the population of England and Wales, in the year 1700, amounted to about 5,134,000. That is, from the Roman conquest of Britain, during a term of more than sixteen centuries of what Burke calls civilizing conquests and civilizing settlements, the number of inhabitants had only grown to a little more than five millions. Half a century later, in the year 1750, it had increased, by the same computation, to 6,039,000, or about 900,000 in fifty years. During the next fifty years, or up to the year 1801, the population, according to the census, had risen to 9,187,000, or an increase of considerable more than three millions.

At the last census, in 1841, England and Wales contained 15,907,000 inhabitants, or an increase in forty years of 6,700,000, nearly ten millions more than in 1750, and three times the number at the period when the English, under King William, were able to check the ambitious projects of Louis XIV., and also when, a few years later, the Duke of Marlborough was in the full career of his victories over France.

Thus the increase of population in England and Wales, in fifty years from 1700 to 1750, was nearly 18 per cent.; in fifty years from 1750 to 1800, nearly 52 per cent.; in forty years from 1800 to 1840, or, which is nearly the same, from 1801 to 1841, nearly 73 per cent.

By the next census, in 1851, it will probably be found that the population of England and Wales has doubled, or nearly so, during the last fifty years.

The increase of agricultural produce has not quite kept pace with the progress of population, but comes near the same ratio. There has been, as is well known, a large import of foreign grain into the British Islands during the last two or three years, though small compared with the whole consumption. We believe it will be found that for no five years in succession, even including the late years of famine, has the average import of foreign grain been equal to one tenth, or at most one eighth of the home production. It is supposed, on good authority, that the total growth of all kinds of grain is three times greater now than it was eighty or ninety years ago.

England, in 1688, to encourage her agriculture, gave a bounty on the export of grain, five shillings a quarter for wheat, and half that sum for barley. For about seventy years, from 1695, after the bounty had time to operate, to 1765, England, besides feeding her own population, exported annually to foreign countries on an average five hundred thousand quarters of wheat and other grain.

It is remarkable that, from 1640 to 1690, the average price of wheat was upwards of fifty-four shillings a quarter, and that for the latter period of seventy years, ending in 1765, the average price was but thirty-six shillings, or two thirds of the former price.

Since 1765, it may be said that the English have ceased to export grain; they have become importers. For twenty-five years, up to 1790, the average import was about 300,000 quarters. But if we include the next ten years to 1800, the annual average import was about 700,000 quarters of all kinds of grain.

England, at present, Mr. Colman says, exhibits a more brilliant example than has ever before been witnessed, of the application of mind to agriculture. The practice of agriculture, and the philosophy of it are matters of universal interest. Men of all ranks and conditions are laboring in the great cause. Agricultural improvement is one of the most fashionable occupations with the English nobility and gentry, and the abundant wealth of the great landholders, enables them to make experiments, and prosecute plans of improving and reclaiming land, on a much larger scale than would be thought of elsewhere.

In the steady and increasing demand for agricultural produce at a good price, the farmer of England has had the advantage over all other countries. A far greater portion of

the people are engaged in other pursuits, so that not more than one-fourth of the English people belong to the agricultural class. Mr. Colman says one-fifth, but we think this too low an estimate. It may be said that one-fourth of the population of Great Britain (we do not include Ireland) supply nine-tenths of the whole demand for agricultural produce. In all other great nations, the agricultural class includes a majority of the whole population.

In general the English farmers have the capital and skill to manage all the business connected with the farm, with economy and despatch, in the regular and systematic method of a trade or manufacture; agriculture is, indeed, as Montesquieu says, the grand manufacture for supplying mankind with food and the materials of clothing. Another cause mentioned by English writers, the security of property, we should hope is common to us with them.

The abundance and low price of labor in England, however it may affect the well-being of the laborers themselves, affords undoubtedly a very great advantage to the farmers and landholders. The price of agricultural labor in England is probably not more than half as much as in the United States; many of the common operations in farming, as well as the great enterprises in improving and reclaiming lands might be performed at half their cost with us. It is very obvious that many of the improvements now going on in England, would be impracticable or ruinous if attempted here.

There seems good reason to suppose that large farms, cultivated as in England, are most favorable to great and rapid improvements. Arthur Young, speaking of Norfolk, now one of the best cultivated counties in the kingdom, and the farms mostly large, from 500 to 1000 acres, says: "great farms have been the soul of Norfolk culture; split them into tenures of £100 a year, and you will find nothing but beggars and weeds in the whole county. No small farmers could effect such things as have been done in Norfolk." And again, "deduct from agriculture all the practices that have made it flourishing in this island, and you have precisely the management of small farms."

It is to be observed that Norfolk, before the reign of George III., was one of the poorest counties in the kingdom. The soil was naturally barren, but the improvement has been greater there than in any other part of the empire, unless of late in Lincolnshire.

We give some extracts from our author's account of the agricultural population of England :

"I have referred to some differences in the condition of society here, and in the United States, and those differences it may be well to understand. The agricultural population in England is divided into three classes—the landlord, the tenant farmer or occupier, and the laborer.

"1st. — *The Landlords; Rents; and Taxes.* — The landlord is the owner of the soil. Most of the landlords are noblemen or gentlemen, and are looked up to with a deference and veneration, on account of their rank, with which those of us who have been educated in a condition of society where titles and ranks are unknown, find it difficult to sympathize. They own the land. Some few of them keep portions of their vast territories in their own occupation, and under their own management; but by most of them, their lands are leased in farms of different sizes, seldom less than three or four hundred acres, and in many cases eight hundred, a thousand, and twelve hundred acres. The rent of land varies in different places; in some being as low as five shillings per acre; in others rising to almost so many pounds. Rents are in general paid in money. Sometimes they are valued in kind; that is, the tenant engaging to pay so many bushels of wheat, or so many bushels of barley, or such amount of other products; but in these cases, also, the landlord usually receives his rent in money according to the current prices of these articles. The rents are paid in semi-annual payments. The fair rent of land is sometimes estimated at a third of its products; by some, a different rule is adopted, which is, after all the expenses of cultivation and the usual assessments are deducted from the gross proceeds, that the balance remaining should be divided equally between the landlord and tenant. In general, however, as far as my observation has extended, the rate of rent is not determined by any particular rule, other than that which prevails in most commercial transactions, that each party makes the best bargain for himself that he is able. It is only just to add that in all the cases, without exception, which have come under my remark, there has seemed to me, on the part of the landlords, the highest measure of liberality; the rents in general bearing a small proportion to the legal interest of the money at which the lands are valued, and for which they could be sold at once; lands costing £60 sterling, or 300 dollars per acre, being frequently let for 30s. or £2 sterling per acre, that is, less than eight or ten dollars per acre. We are not well satisfied in the United States with a return from our land under five or six per cent. on its cost; but the landlords here seldom obtain more than two-and-a-half per cent., or three per cent. on the price which the land would command, if brought into the market."

Lands in England are occupied by tenants under a lease for a term of years, or held at will, or from year to year. When at will, no notice to quit is required; when from year to year, six months notice of an intention to quit must be given. It is remarkable that not more than one third of the land in England is supposed to be held under leases for a term of years.* The remainder is held chiefly from year to year, six months notice being required from either party disposed to terminate the tenancy.

"2. — *The Farmers*. — Next come the farmers, who lease the land of the land-owners. These men are not like farmers in the United States, who themselves labor in the field; they rarely do any personal labor whatever. They are, in general, a substantial and well-informed body of men; and many of them live in a style of elegance and fashion. Many of them are persons of considerable property, as, indeed, they must be in order to manage the farms which they undertake. The capital necessary to manage a stock or an arable farm must be always estimated at double or treble the amount of rent; and, in general, cannot be set down at less than £10 sterling, or fifty dollars, per acre. The stock required for a grazing is, of course, much more than for an arable farm; but in no case can success be looked for without ample means of outlay.

"The farmers in England, as far as I have had the pleasure to meet with them, are a well informed set of men, especially on subjects connected with their particular pursuits. There, of course, is the variety among them which is to be found in other classes; but their manners, without exception, are courteous and agreeable, their hospitality distinguished, and their house-keeping — and I speak with the authority of a connoisseur in these matters — is admirable. Indeed, it has not yet been my misfortune to meet, in England or Scotland, with a single instance of sluttishness in any private house which I have visited; but, on the other hand, the most exemplary neatness. I cannot say as much of all the hotels or taverns in the country, many of which are far inferior in all respects, and none of them superior in any, to our best hotels. There is one circumstance in English manners so much to the credit of their house keeping, that I shall, for the best of reasons, venture to remind my American friends of it, although I fear that any reformation in the case is hopeless. In no private house which I have visited have I been smothered or offended with

* This is stated in the *Edinburgh Review*, No. 120, in an interesting article on Kennedy and Grainger, "*Present State of the Tenancy of land in Great Britain*."

tobacco smoke; and I have seen the offensive and useless habit of chewing tobacco, since I came to England, in but one solitary instance, and that was on the part of an American. At public dinners the same reserve is not practised, and the atmosphere becomes as thick as a London fog. I will not interfere with any gentleman's private pleasures; but I will lose no fair opportunity of protesting against a practice which has little to recommend it, and in respect to which I think we have good grounds to ask — what right has any man to indulge in any mere personal or selfish gratification, in-doors or without, at the expense of his neighbour's comfort?

3. "*The Agricultural Laborers*. — Next to the farmers come the laborers, and these three classes, preserve the lines of distinction among them with as much caution and strictness, as they preserve the lines and boundaries of their estates. These distinctions strike a visitor from the United States with much force; but in England they have been so established, are so interwoven in the texture of society, and men are by education and habit so trained in them, that their propriety or expediency is never matter of question. The nobleman will sometimes invite his tenant farmer to his table; but such a visit is never expected to be returned. The farmers would, under no circumstances, invite the laborer to his table, or visit him as a friend or neighbour. They are, usually, comfortably clad, in this respect contrasting most favorably with the mechanics and manufacturers in the cities and large towns; but they are, in general, very poorly fed. Their wages, compared with the wages of labor in the United States, are very low. The cash wages paid to them seldom equals the cash wages paid to laborers with us, and our laborers, in addition to their wages in money, have their board; but the English laborers are obliged to subsist themselves, with an occasional allowance, in some instances, of beer, in haying or harvesting. The division of labor among them is quite particular — a ploughman being always a ploughman, and almost inseparable from his horses; a ditcher, a ditcher; a shepherd, a shepherd only; the consequence of this is that what they do, they do extremely well. Their ploughing, sowing, drilling, and ditching or draining, are executed with an admirable neatness and exactness; indeed, the lines of their work could not be more true and straight than they usually are, if they were measured with a marked scale, inch by inch. They speak of ploughing and drilling or ridging by the inch or the half-inch; and the width of the furrow slice, or the depth of the furrow, or the distances of the drills from each other, will be found to correspond, with remarkable precision, to the measurement designed.

"In all parts of the country women are more or less employed on the farms, and in some parts in large numbers. I have frequently counted thirty, fifty, and many more in a field at a time,

both in hoeing turnips, and in harvesting. I have found them, likewise, engaged in various other services; in the fields pulling weeds, in picking stones, in unloading and treading grain, in tending threshing-machines, in digging potatoes and pulling and topping turnips, in tending cattle, and in carrying lime-stone and coals. Indeed, there is hardly any menial service to which they are not accustomed; and all notions of their sex seem out of the question whenever their labor is wanted or can be applied. The wages of women are commonly sixpence and eight pence, and they seldom exceed ten pence a day, excepting in harvest, when they are as high as a shilling. The hours of labor for the men are usually from six o'clock, A. M., to six, P. M., with an interval of an hour for breakfast and an hour for dinner. The women rarely come before eight o'clock, and quit labor at six, with the usual indulgence for dinner. Many of the laborers walk two and three miles to their work, and return at night. Their meals are taken in the fields, and in the most simple form. The dinner is often nothing more than bread.

"In the season of harvest, immense numbers of Irish come over to assist in the labor, and this presents almost the only opportunity which they have in the course of the year, of earning a little money to pay the rent of their cabins and potato patches. Nothing can exceed the destitution and squalidness in which they are seen; starved, ragged, and dirty beyond all description, with the tatters hanging about them like a few remaining feathers upon a plucked goose. At their first coming they are comparatively feeble and inefficient; but, after a week's comfortable feeding, they recover strength, increasing some pounds in weight, and, if they are allowed to perform their work by the piece, they accomplish a great deal.

"I found in one case on two farms — which, though under two tenants, might be considered as a joint concern — more than four hundred laborers employed during the harvests, a large proportion of whom were women, but not exclusively Irish. The average wages paid the men in this case was one shilling sterling (or twenty-four cents) per day, and their food, which was estimated at about nine pence (or about eighteen cents) per day. Their living consisted of oat-meal porridge and a small quantity of sour milk or butter-milk for breakfast; a pound of wheaten bread, and a pint and a half of beer at dinner; and at night, a supper resembling the breakfast, or two pence in money in lieu of it."

Mr. Colman devotes much space to the allotment system, practised of late by some landholders. From a quarter to half an acre is the common size of an allotment to an agricultural laborer, to be cultivated by him at a fixed rent. One land-

holder, a lady who is much praised for her public spirit, has divided one hundred and forty acres of land into four hundred and twenty-one allotments, at a rent averaging little more than three pounds an acre, or £428 for the whole. This price is for the land alone, without houses or any buildings, which form a separate rent charge. This may be, and probably is, an act of generosity and public spirit not common, though it would seem to require no great exertion of these qualities to let land at £3 an acre.

The Duke of Rutland has made more than one thousand allotments, or allotment-gardens as they are called, to laborers. Their extent is generally limited to one sixth of an acre of potato garden at a rent of ten shillings a year. This is at a rate of £3 an acre, or £510 for one hundred and seventy acres, or one thousand and twenty allotments. In the present condition of English laborers, we should suppose that these allotments, at any reasonable rate, would be beneficial to the occupant, though the rent seems high compared with that of large farms.

The English have far surpassed all other nations in the breeding and management of their live stock — their horses, cattle, and sheep. Very great improvement has been made in the breed of horses for every kind of employment in which horses are used ; for in England the principle of the division of labor has been applied to this animal. Horses are bred and trained for a particular department, and exclusively confined to it, as for sporting, pleasure, travelling, draught, or agricultural labor. There is the race-horse, the hunter, carriage-horse, draught-horse, the roadster, the saddle-horse, the pony for ladies and children, the general hack, and the farm-horse. Such a division and the care and skill displayed in the treatment and training of this noble animal can be expected only in a society of great wealth, activity, and intelligence.

The horse is used in England for farm labor, almost to the exclusion of oxen, especially on large farms. The question whether horses or oxen are preferable, or which on the whole is the most profitable for agricultural labor, has been much debated in England, and, so far as the practice of the great majority can decide, it is in favor of using horses. The use of oxen has been continually decreasing, and that of horses for farm labor has been constantly growing into practice, till it has become very general.

We suppose there must be some good reason for this prac-

tice among such an intelligent people as the English, and by farmers who, paying a large rent, have strong motives to cultivate their land in the most economical manner. Mr. Colman, indeed, thinks the practice is founded on error, but we believe that English agricultural writers are now more generally agreed in its favor than formerly. On our small farms and New England soil it might not and probably would not be often expedient; but the practice, as is well known, is very common south and west of New England, and even here in some places, as in the vales of the Connecticut, horses are much used in ploughing and other farm work.

In England, instead of keeping oxen for work till they are seven or eight years of age, and then fattening and sending them to market as is common here, young cattle and steers, as we should call them, from two to three years old, are fattened, and supply the Smithfield and other markets with the roast beef of old England.

We have no space to enumerate the different breeds of cattle in England, or to dwell on the very great improvement in their size and qualities. One of the best proofs is, that though the average age of the cattle for slaughter is only from two to three years, the weight is more than double the average ninety or a hundred years ago. At that period the average weight of the cattle sold at Smithfield market did not exceed three hundred and seventy pounds. At present, the average weight is estimated at eight hundred pounds, and the number of cattle is more than twice as great as at the former period.

Nothing relating to English agriculture is more remarkable than the magnitude and value of their sheep husbandry. The number of sheep in England is supposed to be twenty millions or upwards; the annual increase about seven millions, and nearly this last number are annually slaughtered for the market. The product of wool is about one hundred million pounds. Including Scotland, where the sheep may be about four millions, the whole number in Great Britain may be twenty-four or five millions. The annual product of wool, including lamb's wool and that of sheep killed for market, is estimated at nearly or quite one hundred and twenty million pounds.

In the United States there may be, if we credit the reports of the patent office, about the same number of sheep as in England, but the product of wool can be but little if any more than half as much. The average weight of a fleece here is

not far from two pounds and a half. In England the long-wooled sheep vary from five to nine pounds to a fleece; the average is supposed to be seven pounds and ten ounces. The fleece of the short-wooled is supposed to average from three to four pounds, perhaps not more than three pounds and a half. The sheep producing long wool may be in number about one-fourth of the whole.

The breed of this most useful animal has been improved by the English to a surprising degree. In Smithfield market the average weight of a sheep, that is, of the four quarters, was, a few years ago, eighty pounds. Mr. Colman was informed that it was now ninety. A hundred years ago it was less than half this amount, and in 1710 was estimated at only twenty-eight pounds.

The two last numbers of Mr. Colman, comprising what is published in a small volume called *Continental Agriculture*, we found peculiarly interesting. This part of the work is more methodical, more condensed, and contains fewer digressions. The description of French agriculture, which occupies most of the small volume, seems to have been written, *con amore*, with a hearty devotion to the cause of agriculture, and a pleasure in describing that of France in particular. The agriculture of France is prosecuted in quite a different manner from that of England, and in some respects presents a marked contrast. Instead of a country where the land is owned by a few thousand great proprietors, and occupied in large farms by tenant farmers, who cultivate it by hired laborers dependent solely on their wages for a subsistence, we find a great country and a flourishing agriculture, where four-fifths of the agriculturalists, who compose a large majority of the nation, cultivate their own land, and the number of landed proprietors is supposed to amount to five millions.

Mr. Colman gives a very favorable and gratifying account of the French peasantry and their modes of cultivation, and of the state of landed property in France. The agriculture of every great country must be its most important interest. But in France it is so to a greater extent than in England, where commerce, manufactures, and mining occupy so great a portion of the national industry. It is a great advantage to France that regular returns of the products of agriculture are annually made to the government, so that in the late scarcity of grain and failure of the potatoes, the government were enabled to provide early with a humane foresight for the

deficiency. The importation and distribution of food under the direction or control of the proper official department, was so judiciously managed as to prevent much actual suffering. The French rulers and politicians have been thought, and we suppose with some justice, to be affected with the mania of governing too much; but we believe this extraordinary exercise of authority was an unequivocal benefit.

"Few things have struck me more forcibly than the difference in the agricultural population of France and that of Great Britain, a subject to which I have already referred. I have never seen a more healthy, a better clad, or a happier population than the French peasantry. Something may be ascribed to their naturally cheerful temperament, and something to that extraordinary sobriety which every where, in a remarkable degree, characterizes the French people; but much more to the favorable condition in which this law of distribution, which renders attainable the possession of a freehold in the soil, places them."

"No observing American comes from the United States to Europe, without soon becoming convinced that economy of living is nowhere so little understood as in his own country; and that for nothing are the Americans more distinguished than for a reckless waste of the means of subsistence. The refuse of many a family in the United States, even in moderate circumstances, would often support in comfort a poor family in Europe."

"The inhabitants of the United States enjoy an abundance for which they cannot be too grateful; but which is very little understood in Europe, where, with a large portion of the population, including many in the middle condition of life, it is a constant struggle to live and to bring even their necessary expenditure within their restricted means, and where the constant inquiry is, not what they want, but what they can afford; not what they will have, but what they can do without."

One of the most remarkable features in the agricultural and social system of England is the small number of landholders. In a former number of this Review we have made some remarks on the law and custom of primogeniture, one of the most obvious causes which have contributed to produce this effect.* But there are other causes which must have had an important bearing on this subject, and among these are especially to be enumerated the want of a public registry of deeds conveying real estate, and the enormous expense attending the sale of land. The expense of conveying a small parcel of

* See No. VII., p. 344, *et seq.*

land would often be more than the value of the land itself. Of course there are few instances of a transfer of title, except where the amount is large.

The Edinburgh Review lately remarked —

“We bitterly regret our execrable system of tenures, by making the legal forms attending the sale and purchase of a small piece of ground cost more than the value of the thing which they convey, and our execrable poor-law system, by denying employment to a man who is supposed to be able to exist without it, have destroyed the small properties of England. We believe that if we could call into existence the English yeoman, we should add to our social system a most valuable member. We believe that the relics of that race, the Cumberland and Westmoreland statesmen, are the best agricultural population in Great Britain.”

It is not easy to ascertain how many land owners there may be now in England; at least, we have seen no statements of the number on which much reliance is to be placed. It is known, however, that they are rapidly diminishing. Some English statements that we have seen make the whole number of proprietors of land in the United Kingdom less than twenty thousand. But this must be far too low, and probably less than one half of the actual number.

In the United States, perhaps nothing has more contributed to the prosperity of the people than our system of landed property, the facility and cheapness of conveying any real estate, and the security given to land titles by a public registry of deeds. Here the expense of conveying the smallest property in land is so trifling as to be no obstacle to the sale. Our system of disposing of the public lands is probably the best ever adopted in any country, and has contributed essentially to the unexampled growth of the new states.

From the English system of agriculture we may expect more splendid results, more extensive and rapid improvements, and a much greater surplus of food and other agricultural produce beyond the wants of the agricultural population for the consumption of the other classes. The French and American agriculturalists may themselves consume, on an average, from one-half to two-thirds of the produce of their farms. The English agricultural class, in Great Britain, not more than from one fourth to one third.

The English system will produce a much greater net income from the land for somebody. The same number of agricultural

laborers accomplish more and spend less. By means of large farms, abundant capital, an unsparing use of machinery, and cheap labor, the product beyond the cost of production will be much greater, and of course there will be a much greater surplus or profit for somebody or other; that is, for the landholders, the large farmers, and receivers of tithes, whether lay or ecclesiastic. In general, there will be a much larger amount or disposable surplus annually, either to be invested as capital in railroads, foreign loans, or agricultural improvements, or to be expended in building costly mansions and forming parks and pleasure-grounds, or in the promotion of science, literature, and the liberal and elegant arts, or to be squandered at Newmarket or Crockfords, at Paris, Rome, or Naples.

The landholders, tenant farmers, and clergy will undoubtedly have their maintenance from the land; but after a liberal allowance for their expenditure, we believe there will be a much greater surplus to be invested or squandered than in the case of any other agricultural population of equal numbers.

The American system, — we speak of the free states, — where the land is chiefly cultivated by the owners in comparatively small farms, gives a more comfortable livelihood to the agricultural population, more ease, security, and independence, and in the long run may be better for the whole nation, as well as for the agricultural class. On this system a much larger proportion of the products of agriculture is consumed by those who perform its labors, and of course a much smaller proportion is left for the rest of the community. The American farmers, or the population concerned in agriculture, constitute the great bulk of the nation, and produce not only enough for the wants of our community, but a large surplus for exportation. But they produce less in proportion to their numbers, and a much larger proportion of the community must be employed in this way to furnish food and other agricultural produce for the whole.

The great objection to the English system, is the condition of the laborers. It is natural to wish that those who perform the work should have a larger share of the product, and that in such a rich and flourishing agriculture, those who endure the toil should get something more than a bare subsistence. We suppose this to be a necessary part of the English social system, and that all possible advantages of society cannot be united in any one form. The advantages of the social sys-

tem of England are many and great, but they appear to us to be dearly purchased, at the expense of a large portion of the laboring classes.

In conclusion, we think Mr. Colman's work a very valuable acquisition to our knowledge of European agriculture. Few men have the talent of describing what they have seen with so much life and accuracy, or of writing with such facility and perspicuity. The warmth of his benevolence, and his sympathy with the laboring classes add much to the interest of the reader. Our limits permit us to give only a very imperfect idea of the extent and value of the work, which, we presume, will be read not only by practical and speculative farmers, but also by those who are interested in the social systems of the most enlightened states of Europe.

Thus far we had written prior to the decease of the lamented author, whose work we have been considering. The many testimonies to his worth that have appeared in various parts of our country, render it unnecessary for us to dwell here on his character and the loss our community has sustained.

To show the estimation in which he was held abroad, in the country where he resided so long as to be well known and appreciated, we give the following extract of a letter to a gentleman in this city, from a noble friend of Mr. Colman's, eminent in political life, and distinguished for his improvements in agriculture.

"MY DEAR SIR:—I am sure you will have heard with the deepest regret of poor Colman's death. Here we all lament it, as we should that of our habitual and oldest friend, so entirely was he regarded in our respective family circles as one of ourselves. I never knew any foreigner so identified with us and our habits and so entirely adopted by the country. And yet there was no lack of independence of thought and action, and of avowed preference of most things, both in civil and social life, in his own country. He was so candid, and true, and honest, and so fond of these qualities in others; and with great talents, there was so charming a simplicity of character about him that he won on every body he approached. There is no exaggeration in his printed letters, in which he so often speaks of the innumerable solicitations he received from persons in every part of England to visit them. All who had once received him wished a repetition of the pleasure, and the report caused him to be coveted by others. All these qualities, with his passion for our favorite pursuit, Agriculture, gave him the key of every house among all ranks. He really is a very great loss. His circulation among

us did great good. I have read his letters with much interest. There is in them a great deal that is admirable in feeling and in style. They are much read here, and will have a permanent place in the libraries of all who knew him, and of many who did not."

We hardly know where to look for his superior in active benevolence, or in a fervent and enlightened piety, in a sincere zeal to promote the well being of all his fellow-men, without distinction of party or sect, and especially for the moral and mental advancement of any portion of the human race, within the sphere of his influence.

ART. VI.—THE FINANCIAL CONDITION OF RUSSIA.

WHOEVER undertakes to speak of the financial condition of Russia, finds a difficult task before him. In a country where all that relates to the affairs of government is made public only so far as it serves the policy of the imperial cabinet; where the authorities themselves, for various reasons, cannot place confidence in official statements; where, besides, the truth is continually, intentionally, and unhesitatingly sacrificed to specious and splendid appearances,—there it must always be difficult in general to speak with certainty. But in Russia a veil of lies and deceit has been designedly and diligently drawn over all that relates to the finances. How, then, can a private man arrive at certain results?

Be assured we have lost no opportunity of obtaining information. We have been able to ascertain some facts pertaining to the department of finance, but the results of all the numerous communications thereon still amount only to views, opinions, and conjectures; at the most only to the most general glimpses into the finances. Russia owes large sums to England, and makes statements of her financial condition from time to time; but there is a very strong suspicion that these statements are deceitful. It is highly probable that nobody but the Minister of Finance, in whose hands all the several threads of this wide extended system are united—could, if he were so inclined, give more accurate information than we have now to offer. But it is probable that no statement from

headquarters would be thoroughly trustworthy; for, on account of the great irregularity of all official operations in Russia, many errors must creep into that.

The following is a sketch of the institutions connected with the Ministry of Finance:— In all the chief places of the empire there are Bureaus of Finance, provided with a President and several Councillors, who collect the excise tax on brandy (ardent spirits of all kinds) and salt, as well as other taxes, and have authority in all that relates to financial matters and affairs of police. It is also a part of their business to receive recruits.

The net income of the Russian government may well be called insignificant in comparison with the number of the people, and the rich resources of the nation; for, according to pretty exact statements, it amounts only to a hundred million silver rubles, or a little more, and as this sum is not wholly derived from taxation, direct or indirect, but comprises what comes from the imperial estates and other sources, so the amount collected from sixty-three millions of inhabitants seems very small when compared with other lands. On the average only about one ruble is collected from each person; while in England the amount is six times as great, and in France and Prussia it is twice as large. The extraction of money from the people is much better understood in the latter countries. A single glance at the list of taxes shows the rude condition of the science of finance in Russia. At the head of all as the chief source of income, stands the tax paid for license to sell brandy. This produces thirty-six million silver rubles. In order that this chief source of national income may continue to yield liberally, the government allows no temperance societies, but, on the contrary directly promotes the vice of drunkenness, by allowing numerous holidays and festivals, on which intemperance cannot be punished. The same vice was carefully inoculated into the whole nation by Peter the Great, by means of his example, the highest of all. The government is not satisfied with selling licenses at public auction, thus seeking continually to increase the tax paid for permission to sell brandy in the provinces, and in this way leading necessarily and directly to falsehood and deceit, and thus seducing men to the vice of drunkenness,— it does not blush yet further to use this infamous business as a means of extracting money from the people, for it is made the duty of the sellers to receive from the imperial magazines and keep on

hand a certain quantity of brandy at a certain price, and under penalty of the law, to sell this again at the same price and no higher. On the other hand, exile to Siberia is denounced against smuggling brandy from a neighbouring district, where it is often three times as cheap and good, because the price of grain is there so much less. The seller dilutes his brandy with water, and then to make it appear strong enough for the drinkers, unpunished and without shame he adulterates it with substances well known to be poisonous. It has been maintained that, in this way, about two hundred thousand lives were lost every year, while the health of great numbers was undermined. The authorities have often been informed of all the enormities of this system of licensing, but they have only raised the sum paid for a license, and setting no limits to this poisoning of the nation, have gladly pocketed the income thus enlarged! Cancrin, a former Minister of Finance, was himself made a partner in this increase of income by receiving a portion of the gain, and accordingly compelled to act a most unworthy part, and to show himself more and more deserving his nickname — the Cancer of the State, (*Krebs am Volks Körper.*)

If the Emperor Nicholas ever actually said to his minister — as it is alleged — that he should rejoice in any diminution of the income derived from the sale of brandy, this is to be taken as a sentence not seriously spoken, and must be looked on as belonging to the part of Emperor in the political comedy. A specious appearance is made with a phrase which seems virtuous, and then indulgence is shown to the crime for the advantage of the state. This is a plain fact.

It is well known that the poll-tax belongs to the rudest forms of taxation. This has been allowed to remain in Russia as a sign of the internal weakness of the autocratic power which, without, seems so splendid. It is well known that a tax on real and personal property is far more just, and — what is the main thing — would produce more. However, the evil conscience of the despotism is afraid that the spirit which must come with a rational scheme of taxation, would be hostile to the authorities. Accordingly the government is not ashamed, whenever it is possible, to lay *all* burthens on the humblest class of the people, thus making a mock at their efforts for improvement. The poorest class know not how to satisfy their hunger with even the most miserable food; but by means of the tax, the government poisons the only drink

with which they can produce the requisite vital warmth, and thereby takes from them money which might purchase better food; yet even they must pay a poll-tax which is not demanded from the rich debauchee! No one but a heartless actor of comedies could ever lend his name as a cloak for conduct so terrible and abominable. It sounds like scorn to call that *government*: to describe conduct so shameless, it would be far better to call it *seduction, corruption, abuse, ruin*, and similar names.

The salt-tax appears as coarse and brutal as the poll-tax. It makes it difficult to obtain one of the most indispensable necessities of life, while shrewdness,—not to speak of humanity and wisdom—lays down this as a rule: to cheapen every thing which belongs to the necessities of life. The more this is done, the more certain are the people to be content, the more certainly will the national welfare advance, and only rational institutions will march at its side. But on the other hand, every burthen laid upon them retards the progress of mankind. This is very obvious in Russia, for if it is true that obstacles in the way of a nation which has reached a high degree of development, only call out increased efforts, and therefore a yet higher degree of culture, it is also true that obstacles in the way of a nation taking its first steps, can only discourage and deter them from progress. Of course the first germs of culture are thus kept from growing. Accordingly, while the government, which calls itself patriarchal, boasts of “leading the people in the way of their development,” it actually does all in its power to stifle the first germs of culture. Is it possible for the government to desire the welfare of men, when it only allows them to vegetate, and not to develop their mind?

After what has been said in reference to the unworthy conduct in respect to brandy, we can only be surprised at finding any vice in Russia from which the State-Harpy does not extract some gain; we should expect to find that robbery, murder, unchastity, lies, hatred, envy, and the like, would be artificially nourished, patented and taxed. This is actually the case, in many instances, as it will appear, at least, in part, from the following facts. Peter I., commonly called the Great, found a certain simplicity of manners in his people, which, if fostered, protected, and developed, would have led to the finest results. It has been shown above that he promoted the vice of drunkenness by his own example,—the highest in

the land. He was not contented with that, but opened the gates of his kingdom to another means of intoxication — Tobacco. For a certain bribe, (*Bestechungssumme*,) called *Abgabe*, — a sum not sufficient to cover the expenses of his foreign journey, — he gave the Dutch the exclusive privilege of introducing and distributing tobacco throughout Russia for a certain time. However, the desire for the use of tobacco increased; this is partly to be attributed to the natural disposition of the Russian — who at first had not wished to overcome the disagreeable taste of the article, in order to obtain intoxication therefrom; — for it is well known that when a man has first become acquainted with any kind of enjoyment that a little difficulty in the way of obtaining it, is to be regarded as an incitement and means of seduction, and we have every reason to suppose that the present monopoly of tobacco was established for this purpose, for the late minister of Finance, M. Cancrin, did not hesitate to express his admiration at the unsatisfactory result.

In the imposition of duties — which furnish a large part of the national revenue — the Russian government appears not so much wicked as short-sighted and feeble-minded. Instead of levying duties merely for revenue, the Emperor aims by his duties “to call forth and protect the industry of the land.” The result appears obvious in the unnatural enterprises which in general do only hurt. Hands which were insufficient for the culture of the soil, were yet, in large numbers, by means of this duty, attracted to manufactures which at the same time found no suitable field in Russia, for they naturally come as the result of a previous cultivation of the soil. It is maintained that by this tendency to manufactures the emancipation of the Slaves has been hastened. There is some truth in this, but it is of a formidable nature; for if any one is acquainted with our present system of manufacturing, he would not desire to promote emancipation by laying on non-slaveholders a yet more abominable load. Why cripple the slaves, yet more, in soul and body, in order to induce him to break his chains? Is not this to adopt the maxim thrown out by the frivolous, “that if you wish to lead men to freedom, the more you trample on and abuse them the better!” In our present system of manufactures, man, for the most part, is degraded into a mere part of a machine; and thereby more or less robbed of his health. All trustworthy accounts of the condition of the manufacturing population in Europe agree in this: —

that men deteriorate therein from one generation to another. But the Emperor does not wish to lead his people to freedom ; for that would become more and more. So he gladly encourages them to turn away from that, by a slavish system of manufacturing, and by the imposition of duties, derives a profit from it. We are of the opinion that the tax on lotteries and gaming houses, or that on houses of ill-fame, could hardly be called more shameful for a government. In order to regulate freedom without injuring it, and accordingly without diminishing it, Republics must by all means take care of the manufacturing business ; but when Republican governments impose customs and duties for the sake of getting a revenue from a business which degrades men, then, in common with monarchies, they become participators in a wrong, and degrade themselves thereby, though in a less degree, for they do not bring men into such a state of thralldom as restrains them from a just use and development of their powers.

Every government which conforms to reason — and only democratic Republics do this, — must regard freedom as the basis of industry and trade, and keep its eye steadily on that, but without being stiff in carrying it out ; for, practically, in human affairs, extreme measures never appear tenable. For example, in a nation not much developed, if domestic industry and trade are to prosper, protective or differential duties must be levied in support of domestic labor, and therefore against that of other and more advanced nations. However, these protective duties must never become so high as to be out of proportion to the pay of labor, as they are in Russia, where duties are levied which are many hundred per cent. above the value of the raw material and all the labor expended upon it. The following are some of the results of such a perverse undertaking : — When the system of monopoly is thoroughly carried out, the most pernicious encroachments will be made on the natural course of the nation's development ; individual speculators, charmed by the prospect of making money, will draw off a part of the people from their former business, and so an injury will be done to that. Thus several branches of industry for which Russia was formerly celebrated have fallen to ruin or gone to decay ; only one example need be named, the manufacture of leather, which is now far from its former perfection. Other evils follow at a later period. The high protective duties must at length fall, for nothing unnatural can long continue, and then competition brings down the price of

the manufactured articles, and the speculators withdraw from the business. Then comes the difficult question, What is to become of the laborers recently engaged in these branches of industry, and who, from want of practice, are wholly or partially unfit for other kinds of work? The single speculator retires richer than before, but he leaves behind, to the care of the state, a host of men made poorer than before. The single man now becomes rich, ceases to manufacture, and so becomes a mere unproductive consumer in the state; he spends his money either directly in a foreign land, or else indirectly by the use of articles of luxury purchased from abroad. Money, the blood of the state, no longer circulates down to the lowest members of society, preserving life and health; it stops in certain places and flows outwards. Then comes feebleness, and then death of the body politic, or there follows a violent convulsion, a revolution.

This opinion is confirmed by a glance at the manufacturing districts of Europe. One chief cause of the violent fermentation now prevalent among the people is to be found in the complicated relations of manufacturing and other kinds of labor.

Another natural consequence of excessive duties is the oppressive dearness of articles of consumption. This restricts the natural course of trade, and must have an injurious effect on the sale of articles produced in the several countries. Nothing is more natural than this: that a country must cease to buy the productions of foreign states if its own productions are not purchased in return. Other nations would be much more able to pay for the productions of Russia if she did not close her frontiers against them by excessive duties. By this the Russian producer suffers a twofold loss—first, from the small prices of his own productions, and, second, from the dearness of foreign articles.

Finally, though it seems almost superfluous to do so, we will mention the demoralizing influence of excessive duties. They lead unavoidably to smuggling. This ought to dissuade a government not lost to all sense of shame, from imposing such duties. Induced by hope of gain, not only all the commercial part of Russia, almost without exception, are suspected of smuggling, but almost every man, in public, rejoices in the support of it, and the authorities themselves live in a great measure on their bribes! It requires the iron forehead of despotism to support so long a system thoroughly base.

In general, little need be said against the high Stamp-tax and Registration-tax. The chief thing to be desired is to diminish this in some cases where it now hinders traffic and presses heavily on the lowest classes of the population. But the application and execution of it must be declared too rough and reckless.

The so called Banks for Loans and for Commerce are among the worst means for improving the finances of the Russian government. The owners of real estate, in their pecuniary embarrassments, resort to the first and borrow money on interest, pledging their land for security. The commercial banks discount notes for a commission, deal in exchange, and loan money on deposits of merchandise. This miserable usury only brings in about two millions of rubles a year; but it helps ruin a host of persons, and would disgrace any honorable government; but here many worse things are done to enable the government to keep up a respectable appearance. It is pretty openly said that the Emperor favors these lending banks chiefly to bring down the wealth of his nobles, and thereby get them wholly into his hands, for he regards money as one of the chief instruments of power. The following is completely in accordance with that design. The Emperor uses all possible means to draw the rich noblemen to his court, where they are led into luxuries of all sorts, and, if not brought to pecuniary ruin, they are kept from increasing their wealth. His anxiety in this matter goes so far that matrimonial engagements are made by the Emperor and Empress, and the wealth of an heiress is brought into the hands of a spendthrift who lives at the court, or a rich man marries some poor maiden of the court, who knows how to spend his money.

No one has any thorough and reliable account of the exact state of the finances of Russia. But from time to time public statements are made from which we learn that the State debt has been continually on the increase ever since the Oriental contributions failed. The English continually lend her money, and this is the explanation of the fact: — the English know by their own experience how much a state may be burthened with debt without any sudden national bankruptcy, and do not think a revolution is possible in Russia, which would ruin her finances.

In 1818 the State debt amounted to about 300,000,000 silver rubles; in 1844 it was more than 500,000,000. *It is said* that the precious metals in the Fortress of Peter and Paul

in 1848 amounted to 102,500,000 rubles, while the paper money issued by the Bank of Assignats, it is pretended, amounted only to 600,000,000 or 700,000,000. But this must be rated higher. Well informed men maintain, with confidence, that the money in the State treasury is rated much too high, and add, "there may be paper there, indeed, but no money." It is true that at the yearly visitations of the treasury some merchants are invited to attend, and they say, "Yes, they did open one or two bags, but we do not know what was in the rest!" and thus show what sort of comedy has been performed before them. Men laugh when allusion is made to the immense productions of the mines of Siberia, for it is well known how carefully they are managed, and how insignificant is the return compared with the cost of working them. However, if we could believe there were 102,500,000 rubles in cash in the treasury, there are still some striking facts which force us to think very lightly of the wealth of the State. In 1847, when Russia so magnanimously sent the precious metals to support despotism abroad, *all* the coined silver and gold was withdrawn from circulation throughout the land. This shows how poor the population is. Every well informed statesman knows, also, the national poverty of Russia, notwithstanding her valuable natural resources.

We have much more reliable accounts of the expenses of the State than of its income, for less secrecy is practiced in the former than in the latter case. We may safely say of the general condition of the finances, that since the great contributions from Prussia and Turkey ceased there has been a great and continual increase of the national debt. We should say of a private man under such circumstances, that he stood on the verge of bankruptcy.

The annual expenses of Russia amount to 170,000,000 rubles: 36,000,000 for the land-forces; 32,000,000 for the ministry of the interior; 31,000,000 for miscellaneous expenses attending the collection of the revenue, &c.; 23,000,000 for the ministry of finance; 12,000,000 for the fleet; 9,000,000 for the private chest of the Emperor; 8,000,000 for the expenses of the imperial manufactories; 7,000,000 for the mines; and finally, 3,500,000 for the so-called ministry of public education, which here is a subject of merriment. These facts explain the continual increase of the national debt.

From the financial condition of the people, it is plain that Russia must borrow money not at home but abroad. But as

the foreign money-lenders in the most recent times would not accommodate Russia as before, so in 1848 there would have been a sad financial crisis in the state, if the price of grain had not been so high in 1847, and Russia had not accidentally been able to send abroad large quantities of breadstuff. The millions which Nicholas lent to Louis Philippe in the last part of his reign, and with which he hoped to prevent the revolution he feared, but which came at length from the necessity of the case — these millions only gave France more time to pay for the corn she had received. Russia lent France money that she might buy bread of Russia; the money came back to Russia in payment for the corn, and the Emperor knew how, in the rudest and most brutal way, to draw the gold and silver money from the hands of his subjects, and put it into his own coffers again. In several provinces the government bought up paper money in great quantities, so that there was an inducement to speculate in the stocks. Every man who had coin on hand sought to exchange it for paper money, partly to escape the loss occasioned by the fall of the price of gold, partly to gain by the increased value of paper money. By and by it was not necessary for the crown to buy up paper money, for the public had fallen into the trap, and soon the millions which had come from abroad in hard money to pay for the corn, were brought back to the coffers of the State. In this manner a forced circulation was given to the paper money, which had been issued without restriction, and it was saved from all depreciation except what arose from stock-jobbing, while Russia plainly showed how foolishly the people act when they — even in their internal traffic — use metals as if they were money! for the government knew how to save them from the loss occasioned by such a use, and from the manifold inaccuracies of such a currency!

When attempts were made in Europe to put down the efforts for freedom, the Russian Emperor concealed the weakness of his finances, very simply, but by a process, if possible, yet more brutal. He levied forced contributions for the magazines; fixed the price of articles taken, according to his own discretion; paid a part of that in paper money; gave a bond for another part, and set off the balance to the account of future taxes not yet levied! This action was in accordance with the private maxim of despots — “*L’etat c’est moi*”; he did not see that, in spite of its convenience, it must soon lead to the ruin of the actor, for deeds of this character have been done so long. He learns

from history only what he wishes to learn, and pride and arrogance whisper to the despot in the ear, not: — “this man and the other did so and so, and came to a bad end,” but: — “if they had had our cunning and our power, even in their case, the end had been other and better.” Spite of the illustrious example of America, men in power will not believe that the people, any where, will, at last, enjoy their freedom, and so they think they can put down the efforts and insurrections continually made for this end, because they have succeeded hitherto. As if the bandage of the soldier — which is the only reason why he lends himself as the blind tool of the usurper — would never fall from his eyes! These men close their ears to all demands of liberty for the people, knowing that every recognition of a right must be followed by the elevation of individual man.

In short, the best of them have faith in what they wish, but the sophisticated understanding of those pampered men can never attain the wisdom which is higher than their faith, but trust only to cunning.

Certainly there are some men in power whose eyes have been quickened by the fear which an evil conscience has awakened, but for the most part they are frivolous or selfish enough to subscribe to the saying: — “the ships will hold together as long as we are at the helm, and after us, let the flood come!” Coming generations may see how wise they were!

The finances of Russia cannot improve without the blessings of freedom. The nation may go on in this rude, violent way, till the one pressure causes the counter-pressure which throws every thing into confusion, and produces a national bankruptcy, or a change of dynasty, or some other change. It seemed almost probable that the attempts to support Austria against the Hungarians would bring about this crisis. In the Hungarian war the demand of mankind for freedom became very plain; it showed that though the hour for a general rising of the people of Europe, and for putting an end to all monarchies had not yet struck, still it was near at hand. The desire of freedom long ago had taken root in the Slavic nations, though this was not much talked of. The roots were long thought dead, when unexpectedly they sent up new shoots, and at some more favorable opportunity will rapidly grow up to a sturdy trunk. Hitherto it has been impossible for honorable, conscientious, and trust-worthy magistrates to be established in Rus-

sia ; and till this is done all attempts to improve the state of finances are abortive, as they always have been. When the Emperor is to receive a ruble, the magistrates have been so demoralized by their thralldom that they will try to steal it, before or after it comes into his hands, and will be cunning enough, at least, to get half of it, and beside that, by promoting smuggling, and other improper means, when it is possible, will get also another ruble for themselves. In this manner financial schemes continually fail of producing satisfactory results, but not the less do they oppress, obstruct, and demoralize the people, while the faithless officers, in their political expenditures, waste and embezzle the money got with such pains.

Throughout all the political administration of Russia, a certain boyishness is perceptible. This appears very obvious in the financial operations. Every thing undertaken bears the mark of remarkable imperfection, promises to last but little while, and commonly has a most injurious effect. So a boy robs a flower garden, and will soon lose half his plunder on his way to the brook, and will throw in the other half when he gets there. The garden is robbed and trampled down to no purpose ; what was designed to bear fruit and furnish seed for other fields, is torn away from its native soil, and scattered in spots which will bear nothing. This financial system is a very natural result of the oriental character of this sensual and despotic government. The wild tree can produce only poor and coarse fruit, till mind approaches it ; then it must be hewn down to give place to some nobler growth. The time when attempts at improvement could profitably be made, is passed by, — the worm has already bored too deep into the bole. A part of it remains only to feed the fire, while loathsome filth has already collected in the hollow of the trunk a preparation for death and for another and a new life. In general the Emperor is extraordinarily inclined to favor what is gross, and especially in finance ; commonly he adheres strongly to despotism, and will be an Autocrat. If he were not of a coarse nature he would abandon the political course which his cabinet has followed hitherto, and pursue a more spiritual direction. But in all probability he can only look at the material side of things, and the Slavic clinging to dead forms is entirely natural to him. He is incapable of any lofty spiritual aspiration, of any comprehension of ideas, and can appreciate none but mere materialists as ministers of finance.

ART. VII. — *Report of the Commissioners relating to the Condition of the Indians in Massachusetts.*

WE talk much about the manner in which our Fathers treated the Aborigines of the country; the discussion will have one good effect if it awaken us to the more earnest consideration of our own duty toward the feeble and scattered remnant of those once powerful tribes. The whole number of Indians within the limits of the Commonwealth is eight hundred and forty-seven. Of these none are allowed the elective franchise, many are under guardianship, and many are not allowed any individual ownership in the lands of the tribe. They are practically children, with all the confirmed bad habits, in many cases, of mature age. We acknowledge the question of their treatment is a difficult one, chiefly, if not entirely, however, through our own mistakes and neglect. We talk long and loud about religious liberty, while the State, till very recently, doled out, after the most approved European modes, to the poor red skins, a state religion at their own expense; we declaim, most expensively, brave words, not to be sure "at the bridge," — but on every 4th of July, about the great efficiency and indispensable necessity of jury boxes and ballot boxes to unfold the moral and intellectual nature of man, but we keep, meanwhile, these eight or nine hundred persons in a perpetual minority, and Nicholas himself could not be more careful lest they get into dangerous proximity to the panel or the ballot. We protest with a violence which is indignant, and would be contemptuous, if contempt were consistent with hearty hatred, against Socialism, but Fourier would smile approvingly could he see the sincere vigilance with which we guard our pupils from competitive selfishness and the risks of individual property.

It must, however, be acknowledged that Massachusetts has much improved upon the example of that "magnificent conspiracy against justice," which we call, by courtesy, the Government of the United States. Our Legislature does not spend all its time in gathering up the ribbons of a Presidential race, or scrambling after the spoils of a political triumph. It finds, or makes, some time to attend to the legitimate business of government. It plans for the better treatment of convicts, (we will not call them all criminals,) it protects the insane, it educates all, except Indians and the colored race in Boston.

The report of this Commission of last winter is another evidence of our interest in our duties. The labor of preparing it must have been arduous, and undertaken as it was with hearty good will, it has resulted in an appeal to the right feeling and good sense of the State, which we cannot think will be in vain. Every thing needed for the basis of legislation seems to be contained in it, harmoniously arranged, precisely stated, and bearing evidence of thorough and accurate investigation.

There are, it seems, eleven tribes within the Commonwealth, or rather remnants enough to perpetuate the names of eleven tribes. These are the Chapequiddic, Christiantown, Gay Head, Fall River or Troy, Marshpee, Herring Pond, Grafton or Hassanamisco, Dudley, Punkapog, Natick, and Yarmouth. "The whole number of Indians or people of color connected with them, not including the Natick tribe, is eight hundred and forty-seven. There are but six or eight Indians of pure blood in the State; all the rest are of mixed blood, mostly Indian and African."

The past policy of the State in regard to these tribes may be described in a few words. They have been held under guardianship; ministers provided for them, paid mainly from charitable funds left for such purposes; their lands declared inalienable, and managed by guardians who were invested, in some cases, with most ill-defined powers over the person and rights of their wards. The conduct of the community itself may be stated still more briefly. They have neglected and despised them according to the true American model of treating all races not blessed with a color like their own. The consequences are, feeble intellect, degraded habits, heedlessness, and total prostration of character.

The feeling of caste, that sentiment from which Coleridge derives the word "unkindness," the fruitful parent of so many evils to the negro race in our land, lies at the root of all the mistakes and wrongs which afflict the Indian. In our community the two great elements of national progress and individual growth are education and the management of property. The child is furnished at our common schools with the tools of his own fortune, and in after life he finds motive to use them. From both these sources of strength the African and the Indian are and have been practically shut out. Of Indian schools, the commissioners well observe,

"The great difficulty with this school, and with all the Indian schools, is, they are isolated. They are not under the supervision

of the committee of any town, form no part of our common school system, and receive none of the impulses which example and emulation impart to other schools. Remove from the schools of any town in the Commonwealth, the influences which they receive as a part of the system, and how long would it be before they would be sunk to the level of these Indian schools?"

It is a mistake to suppose that the whole benefit of our common school system lies in good books, good teachers, and having nothing to pay. Boys teach each other. Imitation, companionship, the playground, the whisper behind the desk, emulation in sports, teach more and go further toward the moulding of character than class lessons or the ferule. Whether foreseen or not, one of the chief blessings of our common school system is, that all classes are educated together. By this means the poor man's child shares the sunshine of the wealthy home. He is seated at the same desk with one whose home is the best school; whose nursery was, unintentionally, a museum; who learns more from the talk of his grown up relatives and his father's guests than the best books can teach him. By the magnetism of a generous rivalry the waters of boyish curiosity, awakened faculties, and keen interest soon stand level in both hearts. Unconsciously he measures himself with his more fortunate neighbour, and reaps the best reward of the struggle—improvement, if not victory. Besides, by this arrangement, those in whose hands, from position and other causes, is the direction of public affairs, are deeply interested to provide the best methods and teachers, and the selfish affection of powerful wealth overflows to guard the best interests of the weaker class. Embarked in one bottom, all must sink or swim together. If this result of our school system was foreseen by those who founded it, it is another evidence of their far-sighted sagacity. If it be accidental, it is only another instance, beside those Jefferson has adduced, to show how often the best results of political contrivances are just those which no one ever dreamt of at the outset. From both these benefits the colored race in Boston, and the Indians every where, are excluded; and hence we say neither have ever enjoyed the aid of education in the broad New England sense of the term. They are called to compete with, and sink chilled by the shadow of, a race whose advantages they are not permitted to enjoy, and who, starting in life under far more favorable circumstances than their poor victims, use

the leisure their greater ability gives them in discussing why it is that all races are naturally inferior to the Anglo-Saxon.

With regard to the other element, property and its management, the evidence is clear that just so far as the Indian has been permitted to take charge of his own affairs, just so far he has shown himself competent to it. More than this, the self-respect engendered by the consciousness of responsibility has re-created his intellectual and moral nature. Of the Chappquiddies the Commissioners tell us —

“Under the judicious oversight and counsels of their guardian, Hon. Leavitt Thaxter, they are far in advance of any other tribe in the State, in improvements, in agriculture, and, indeed, in the arts and even elegancies of social and domestic life. Twenty years ago, they were preëminently a degraded people, unchaste, intemperate, and, by consequence, improvident; now they are chaste, not a case of illegitimacy, so far as we could learn, existing among them; temperate, comparing, in this respect, most favorably with the same population, in the same condition of life, in any part of the State, and comfortable, not inferior, in dress, manners, and intelligence, to their white neighbours. These favorable changes, they attribute partly to the division of their lands under the act of 1828, each occupant now holding his land in fee, and not liable to be dispossessed at the pleasure of the guardian, as under the old law, but mainly to the salutary influence exerted over them by their guardian. The result has been, new incentives to industry and economy, arising from an assurance of their rewards, and a love of approbation, and self-respect, which are at once the fruits and the guarantees of progress. Nearly all live in good framed houses, most of them comfortably furnished, and many of them with their “spare room” handsomely carpeted, and adorned with pictures and curiosities collected in the eastern and southern seas. Each family owns and improves from five to thirty or forty acres. Generally they are tolerably well supplied with agricultural implements, and nearly all who live by agriculture have one or more yoke of oxen. The stock of the tribe is as follows:—1 horse, 31 horned cattle, 39 swine, 161 fowls, and 12 sheep. The value of estates, *at their own estimates*, varies from two hundred to one thousand dollars.” . . . “The annual public income is about eight dollars, arising from the rents of the common lands, and applied to the support of the poor. There are now two paupers, who receive aid from the state, amounting, for the present year, to one hundred and twenty-eight dollars. We have no means of ascertaining the whole amount appropriated by the state to this tribe, as the guardian’s account embraces also the appropriations to the Christiantown tribe. Both amounts will be

stated when we come to speak of that tribe. Beyond the aid furnished, as above stated, by the state, the poor are assisted, so far as needed, in addition to the small sum received from the rent of the public lands, by voluntary contribution. As races, they have acquired, in the long school of oppression and proscription, a ready sympathy for individual suffering. In the language of Mr. Thaxter, 'They are kind and considerate to each other in sickness and poverty.'

"Litigation is almost unknown. Probably in no part of the state, embracing an equal population, are there fewer difficulties resulting in a necessity for legal adjudication."

Of the Christiantown Indians, also, —

"They have now no paupers, and receive no aid from the state. They receive the same amount from the state for schools as the Chappequiddie tribe, forty-six dollars, and the remarks in relation to the school at Chappequiddie will apply to these. They have no preaching or religious teaching, the fund formerly appropriated to them being withheld for reasons before alluded to, to be dwelt upon more fully hereafter. Litigation is unknown; they have no grievances for which they ask redress. They are a quiet, peaceable people. They are satisfied with the guardianship system, and have no desire to enjoy the privileges of citizenship. The saddest feature in their case is, that they are too well contented in their condition of ignorance and disfranchisement.

"Occasionally an individual was found who writhed under the crushing weight of civil and social disability. We have, among our notes, the case of one young man, of twenty-two years, belonging to a family of nine children, six older than himself, all of whom had died in the pride of early manhood and womanhood, except one, and that one helpless and blind, in consequence, undoubtedly, of ill treatment at sea. This young man had been one of the best seamen who sailed from the South Shore, and had risen to be second mate; but had come home discouraged, disheartened, with ambition quenched, and now feeds the moodiness of a crushed spirit, by moping amid the graves of his kindred, soon, we fear, to lie down with them, 'where the wicked cease from troubling, and the weary are at rest; where the oppressed sleep together, hearing not the voice of the oppressor.' We tried to awaken him to effort and enterprise, but found it a hopeless task. 'Why should I try?' he asked, in bitterness. 'The prejudice against our color keeps us down. I may be a first-rate navigator, and as good a seaman as ever walked a deck;' (and Mr. Thaxter assured us such was his reputation;) 'but I am doomed to live and die before the mast. I might get to be second, first mate, and, when at sea, I should be treated as such, because

I deserved it; but the moment we fall in company with other vessels, or arrive in port, and our captain invites other captains and mates to dine, I am banished from the cabin to the fore-castle. Why should I try?' We could not answer him, for we felt that we could not pluck from his heart that 'rooted sorrow.'

The legal condition of the Gay Head Indians is singularly anomalous.

"For about thirty years, they have been without any guardian, and the division of their lands, and indeed the whole arrangements of their affairs, except of the school money, have been left to themselves. None of the lands are held, as far as we could learn, by any title, depending for its validity upon statute law. The primitive title, possession, to which has been added inclosure, is the only title recognized or required. The rule has been that any native could, at any time, appropriate to his own use such portion of the unimproved common land as he wished, and as soon as he enclosed it with a fence, of however frail structure, it belonged to him and his heirs for ever. That rule still exists. A young man arrives at maturity, and wishes for a home for a prospective family, or a shelter when he returns from sea; he encloses half an acre, five acres, or ten acres, as the case may be, and he has acquired a fee in the estate; and the most singular and most creditable fact, in connection with this, is, that, while one proprietor has but half an acre, and another has over a hundred acres, there is no heart-burning, no feeling that the latter has more than his share. 'I have all I want,' says the former, and he is content. This state of things is as happy as it is peculiar; how long it can continue, is a problem yet to be solved."

Yet these simple-minded peasants are industrious, provident, temperate, and chaste;

"a quiet, peaceable, contented people. There are among them too many ignorant, degraded, and vicious; but there are, also, particularly among the foreigners, some of the most intelligent men we have found. Litigation is unknown; difficulties of any kind rarely occur. They do not know, and they do not want to know, under what law they live. They only know that 'while they behave well, they get along well enough.' They are jealous of the whites, and with too good reason. They will allow no white man to obtain foothold upon their territory. They have steadily refused to lease to white applicants a foot of land, for the erection of works for the manufacture of clay into the various articles it is capable of making, though tempting pecuniary advantages have been held out to induce them to make only some temporary arrangement. They feel their political and civil disabili-

ties ; they feel that they are under the ban of an unrelenting social proscription ; but they see no exodus from this bondage ; and they only ask to be let alone, and not, by ill advised legislation, to be constantly reminded of their vassalage."

The operation of this responsibility in strengthening and unfolding character, is witnessed further in the most interesting of all the remnants, the Marshpee Indians.

" This tribe have no particular grievances to present. Litigation among themselves is very rare. They suffer inconvenience from the encroachment of the whites upon their fishing privileges. For the adjustment of these, however, under the counsels of the commissioner, and with the aid of legislation which may result from their petition to the present Legislature, adequate provision already exists. The intelligent men of the tribe hope that the time may come when their political and civil disabilities may be removed. For the present, they suggest no material alteration of the system. They feel that they have not realized, from the act of 1834, all the benefit they expected. The difficulty is rather in the mode of administration than in the system itself. The misfortune is, that elevating influences have not been brought to bear upon them, which should gradually prepare them for the privileges of citizenship.

" We feel that we should neglect our duty, did we not give our testimony to the wonderful improvement which has taken place at Marshpee, since the passage of the act of 1834. Previous to that time, they were indolent, ignorant, improvident, intemperate, and licentious. It is not strange that so general a distrust was entertained, at that time, of their ability to manage their internal affairs. But we believe it is admitted now, even by those who most earnestly opposed that law, that the experiment has succeeded ; and, though the result may not be all that the most sanguine dreamed, yet, all circumstances considered, it has been all that could rationally be expected. That act provided for the withdrawal of the depressing and degrading influences of the guardianship system, protection against the extortions of greedy and unprincipled speculators, and the partial removal of civil disabilities. All they need now is, judicious counsel and encouragement, in managing their schools, in introducing farther improvements in agriculture and in their domestic arrangements ; and, above all, the opening of the way to complete civil and political enfranchisement. With these influences fully at work, we feel entirely confident that, in a few years, the district of Marshpee may claim a place by the side of the other towns of the commonwealth."

The Indians have been carefully nursed with preaching ;

but though we doubt not good men have done their best to work miracles, fortunately the laws of Nature have kept steadily on. A race welcomed to none of the fruits of civilization but its vices, whose self-respect, that Indian trait, has been undermined by the general contempt with which it found itself regarded, left for companionship to the refuse of society, "sent to Coventry," instead of being sent to school, proves no apt scholar of spiritual teaching, and disgraces the preacher, not its education; for the tree has brought forth the fruit with which it was grafted. "God gave man a garden before he gave him a law," says old Fuller. We should do well to imitate the example. Had these feeble remnants been crumbled up into the general mass of society, they had partaken the common warmth and growth. But the white race has held them at arms length and then sought, in an unrepenting atonement, to give them there a share of the profits to which they are entitled — as the American church is now pretending to give the Bible to the Slave, whose road to the Alphabet lies through the State Prison. But like the Fakir holding a shrub in his uplifted hand, the man and the tree are both victims of the religious mistake. Put the tree in the ground and work yourself, and then you shall both thrive. Leave the Indian to catch only the fatness that drops from the over-filled cup of New England blessings; remember his soul and forget his skin; he will not need a separate church, and you will hear all the better that he is listening also.

In this connection we must quote, were it only to give it wider circulation, and thence subject the plan to more certain defeat, the account which this Report gives of an attempt to divert from the proper channel the "Williams Fund," about \$13,000, left to Harvard College "for the blessed work of converting the poor Indians":

"We notice that at a late meeting of the Board of Overseers of Harvard College, a distinguished member of the Board proposed that an application should be made to the Supreme Court or to the Legislature, for leave to appropriate the income of the 'Williams Fund' to the support of a College Professorship of Divinity, at Cambridge. We would suggest that it would be as well to include the funds of the Society for Propagating the Gospel among the Indians. It is hardly worth while 'to make two bites of a cherry.' True, the managers of this Society might object. But that would be a trifling obstacle. The clearly expressed intentions of the dead are to be disregarded; why not the rights

of the living? Besides, the end sanctifies the means. It would only be a very 'pious fraud.' We take the liberty, also, to suggest that the most appropriate day for the consummation of this purpose would be the date of the will of Rev. Daniel Williams, giving this fund for the 'blessed work of converting the poor Indians.' Seriously, we have no fear that this proposition will be adopted, if public attention is directed to its nature; but we feel that we are entitled, in behalf of the 'poor Indians,' to enter their protest, in advance, against it, as a misappropriation of the property of the Indians, and a violation of the intentions of the donor."

Republics, it is said, are ungrateful. We might add they have very short memories. A man gives a street to Boston, one of those childless men who, Bacon says, are always planning for the public — it keeps his name alive till he is cold, and then rejoices in the gaudier epithet of "Bowdoin," — and we have heard that the trustees of a well known Theological School were deliberately trying to bargain the name of their founder for a liberal bequest. But this cool assumption of Indian funds to help out the bankruptcy of Unitarian Christianity were too close a copy of the Hollis transfer, only

Matre pulchra filia pulchrior.

But it is time we should glance at the plan which the Commissioners propose for Legislative sanction.

"During the time which has elapsed since we visited the Indians, and became familiar with their conditions and wants, we have given to the solution of this problem our constant and earnest study; and the result has been the following basis of an act for the improvement of the Indians and people of color residing on the Indian lands within this commonwealth.

"1st. A repeal of all laws relating to the Indians, (with a modification of those relating to the district of Marshpee and the Herring Pond Plantation, at least, in relation to a separate commissioner,) and the enactment of a uniform system, to apply to all the tribes in the state, in the spirit of modern philanthropy.

"2nd. The merging of all, except those at Marshpee and Herring Pond, and Martha's Vineyard, in the general community, giving to the selectmen of the towns to which they are annexed the management of the funds belonging to them, and of the sums appropriated by the State for their support, not as paupers, but as the wards of the State, the inalienability of their lands being secured, except when it is voluntarily surrendered, by the assumption of the elective franchise, as provided in the next section.

"3rd. Grant to any one who wishes it the privileges of citizen-

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ship, involving the liability to taxation, when any one accepts the privilege of voting; the privilege of voting to be allowed to those accepting it and paying a poll-tax, whether the towns tax real or personal property, or not; and when the towns do tax the real or personal property of one thus accepting the privilege of voting, they shall become liable for the support of the individual and his descendants, as in the case of other citizens; and when the privilege of citizenship is once assumed, and the right of taxation once exercised, the individual, from that time forth for ever, shall be, to all intents and purposes, a citizen of the state, and debarred from returning to the condition of an Indian.

"4th. The appointment of one Indian commissioner, who shall direct the application of all moneys appropriated by the state for the benefit of the Indians, and who shall devote his whole time, if need be, to their improvement, especially to devising means for gradually preparing them for the privileges of citizenship.

"Upon the first point, we think there can hardly be a difference of opinion"

"2nd. The merging of the smaller remnants in the general community. We entertain not the slightest doubt that this, with the restrictions afterwards indicated, is desirable and practicable. The Fall River, Dudley, Grafton, Punkapog, and Natick, are few in number; and, as the inducements to remain on their lands are small, they are more and more scattering every year, never to return. They have but little land, or property of any kind, have no separate schools or preaching, and receive no money for these purposes, either from the State or benevolent societies. They will soon lose their individuality, as other tribes have done. The lands of the Punkapog and Natick tribes are already all sold; the Legislature will undoubtedly, before long, be called upon to provide for the sale of the lands of other small tribes. The course we recommend we believe to be in accordance with sound State policy, and with a humane regard for the welfare of the Indians.

"3rd. There are difficulties connected with the matter of gradually extending to the Indians the privileges of citizenship; but none, we are convinced, which may not be overcome by an earnest and intelligent effort to accomplish so desirable a result. We need not repeat our conviction that the only way to provide for the permanent improvement of the Indian, is to show him the path of escape from political and civil disfranchisement; and we believe that the plan we recommend, with the restrictions suggested, and others which will occur to those whose duty it shall be to arrange the details of the law, while it imposes no liabilities either upon the Indian or the town which they do not voluntarily assume, opens to the Indian a certain prospect of civil, political, and social elevation.

"4th. But, whether the other recommendations be adopted or not, we regard the appointment of a single commissioner, instead of the several guardians and the commissioner of Marshpee, as indispensable to the improvement of the Indians. They have been so long under disabilities as to be, as a whole, incapable, at present, of self-government; still there is enough of the Indian impatience of restraint to make them dislike the idea of guardianship. They need counsel, advice, encouragement; almost universally they are teachable and accessible to kind influences. A single commissioner, intelligent, sagacious, and prudent, acting upon system, and devising means of *permanent* improvement, entrusted with discretion to apply the funds appropriated by the State for their benefit, would contribute, more than any other instrumentality we can conceive, to their permanent welfare, and to prepare them for the privileges of citizenship. The influence of the guardian must be purely parental. The smallest element of dictation or control, in any system designed for their improvement, will defeat all its aims. They have too good reason to be jealous of the white man, to be ready to acquiesce in any measures which are not, to their own comprehension, benevolent in their motives and tendencies. The whole success of any system of measures, the only hope of any permanent improvement, will depend upon the character of the commissioner. The amount now paid annually, for the salaries of the commissioner of Marshpee and Herring Pond and the several guardians, is \$540. This is somewhat less than the average for the last six years. A small addition to this amount would secure the services of a competent person, as commissioner, for the whole state. The advantages arising from the familiarity of the commissioner with the facts necessary to be known to the committees of the Legislature, would alone equal the amount of his salary. We earnestly recommend this matter to the favorable consideration of the Legislature."

"While, therefore, the Legislature should not impose upon them any change which they do not voluntarily adopt, they owe it to the advantages of their position to recommend such measures as they think would conduce to their improvement, and to tender to them every facility for a fair trial of those measures. Disfranchisement and depression have almost become the normal condition of the poor Indians; they cannot appreciate the almost miraculous power of a cordial recognition and a practical application of the principle of Liberty, Equality, and Fraternity, at whose Ithuriel touch, nations have, during the past year, been literally 'born in a day.' We boast of the successful solution of the problem of self-government; but we exclude from its operation nearly a thousand of our citizens. It is not enough to assert, until the Indian has been brought within the reach, at least, if not under the full influence, of complete civil and political enfran-

ehisement, that it will not exert the same vivifying influence upon him as upon the Anglo-Saxon."

"No man can say what would have been the present condition of the Indians, but for these disabilities. It will not do to say that the Indian is incapable of improvement. The experiment has never been fairly tried. Efforts have been made to Christianize and elevate them; and we are gravely told that, because they always have failed, therefore they always must fail; but it seems to have been forgotten, that the effect of these efforts has always been controlled by the crushing influence of civil and political disability, and, as a necessary result of these, of social proscription. It is, as Frederick Douglass says in relation to the incapacity of the African race for improvement — himself an eloquent refutation of the falsity of the affirmation: — 'Sixteen millions of Anglo-Saxons grind to the very dust three millions of Africans. Take your heels off our necks, and see if we do not rise.' We have treated the Indians as wards, serfs, vassals, slaves. We have taken the management of their property, and have allowed it to be squandered and lost. We claim the right to dispose of their persons, giving their guardians the power to bind them out, as minors, and to appropriate the proceeds of their labor, at their own almost irresponsible discretion. That this power has not been abused, is owing to the character of the guardians, and to a state of public opinion, which, unfortunately, has not yet infused itself into the laws. Can we hesitate as to the duty of the commonwealth to those whom Chief-Justice Parker terms 'the unfortunate children of the public.'"

No words of ours can add anything to these lucid and comprehensive statements of the Commissioners. Every humane man is their debtor for the patience with which they have investigated this subject; and none can be offended with a zeal which keeps so singularly within the bounds of moderation, after months spent in the consideration of so touching and painful a picture. "There is a prudent wisdom, and there is also a wisdom which does not remind us of prudence," says a thoughtful writer. If the calculating conservatism of the State House must still scorn the latter, we do not see how it can refuse to place the plan of the Commissioners among the best fruits of the former. While the humanity of the State gathers up the blind, the dumb, the idiot, and the insane; while strong friends compel attention to the slave, let us see for once the mercy of the majority toward those whose only plea is their feebleness, their friendlessness, and their wrongs. The first word from Indian lips that our annals have

preserved is "Welcome." Let us so govern that the last farewell of the going out of the race may be "Thanks." Whatever Men may say of our conduct toward them when their fortune was at high noon, let History have it to record that their sun went down in peace. Our Institutions have not proved themselves very wonderful, if they only give new vigor to a race that was already blossoming under the best culture of the old world—the ripe fruit of English polity and life. Let them be shown capable of redeeming the African from the long degradation of centuries, of returning the "welcome" which the red man gave us to his new world by lifting him to the level of our own civilization, and endowing him with the treasures of the past, and the capacity to use and enjoy them.

There is one moral to be drawn from this experiment of Indian life in the midst of us, which throws light on the solution of a question esteemed so dark and difficult that every, the least, ray from any quarter should be welcome. "How shall Slavery be dealt with?" The Indian, few in numbers, separated by an insolent barrier of caste from the dominant race, isolated at school and church, put under guardianship that he might, in time, be fitted to spend his own money and vote for his neighbors, is found, after the lapse of a century and the trial of three generations, where? In such plight that humanity weeps, and the best state-craft is dumb and confounded. We commend the picture to the careful consideration of those who propose for the Slave a gradual emancipation, apprenticeship, pupillage, a preparation in the mill of white mercy for the care of himself, a holding in leading strings; till he too is ready for the ballot box. No: but till, three generations wasted in the experiment, our great grandchildren shall weep over his wretchedness, and curse the short-sighted and cruel disbelief of their fathers in the great law that Right is always expediency.

For Massachusetts we hope the considerable experiment of her Indian tribes will be enough to induce her to hold on to the principle she has so often avowed, of immediate, unconditional enfranchisement, having learnt from the sacrifice of her thousand sons, at least, this lesson, that to be free is the only discipline which can fit man for freedom, and that patience under the temporary evils of the first years of such emancipation are the inevitable atonement the son must make for the sin of his fathers.

ART. VIII. — THE ADMINISTRATION OF THE LATE
MR. POLK.

THE administration of Mr. Polk took place at an important period in the affairs of the nation; it is connected with some of the most remarkable events which have happened in America since the adoption of the Constitution — events which will deeply and long affect the welfare of the people. The time has not yet come when the public, or any person, can fully appreciate the causes then put or kept in action. But the administration was so remarkable, the events connected with it so new in our history, and so important, that it seems to us worth while to pause a moment and study this chapter in American politics, with such light as we now possess. It becomes the more important to do this just as a new Congress is about to assemble, while the government is connected with a new President not very well tried in political affairs. In judging the contemporary events of our country it would be ridiculous in us to pretend to the same coolness and impartiality which it is easy to have in studying the politics of times a thousand years gone by; still, we think we have no prejudice against Mr. Polk or his administration, or in favor thereof; certainly we do not look through the partizan eyes of a Democrat, or a Whig, or a Free Soiler, but are ready to praise or blame an idea, a measure, or an act, on its own account, without asking what political family it belongs to.

The materials for the history of this administration are abundant and accessible. We make no pretensions to a knowledge of the Secrets of either party; they would be of small value if known. The volumes of private and confidential letters of some New York politicians, of which so much talk was made a few years ago, contain much matter for gossip, some even for scandal, little for history, and for political philosophy nothing at all. We neither seek nor welcome information from such quarters. In politics, as in all science, the common and obvious facts are of the greatest value. With the secret history of the Baltimore Convention, of the Congress, or the Cabinet, we have nothing to do, only with their public acts. Our information will be drawn chiefly from public documents.

We have nothing to say of the personal character and private motives of the distinguished actors in the political drama.

Politicians are as honest as the majority of men would be, exposed to the same temptations, under the same circumstances. The misdeeds of other men are done on a small scale, or in an obscure way, while the private character of a politician becomes public, his deeds appear before the sun. If the transactions of State street and Wall street were public as the acts of Congress, men would not think more highly, perhaps, of mercantile honor, than now of political integrity. A little acquaintance with political doings shows a looker on, that while each party is, consciously or blindly, led forward by its idea, and so helps or hinders the progress of mankind, under similar circumstances, the one has about as much patriotism and political honesty as the other. In point of deeds the party that has been long in power is certainly more corrupt than the opposite party, who are limited by their position to longings and intentions. So the apples which have long been exposed for sale in a huckster's basket, get bruised with the huckster's attempts to show only their fair sides, and with frequent handling by the public, and begin to rot sooner than other apples from the same branch, but kept out of sight in the barrel, which otherwise resemble them "as much as one apple is like another." The party that is full and the party that is hungry seldom differ much in their political honesty.

In estimating the administration of men like Jefferson and Jackson, men of decided thoughts or decided deeds, the personal character and opinions of the President are important elements to be considered. But Mr. Polk was remarkable neither for thought nor action; he had no virtues or vices to distinguish him from the common run of politicians, who swim with the party tide, up or down, in or out, as it may be. His character seems to have had no weight in the public scale, and does not appear to have given the balance a cast to either side. He might follow a multitude, in front or rear—he could not lead. God never gave him "the precious gift" of leading. For his office, no qualities marked him more than a thousand other men in the land. Like Mr. Harrison and Mr. Tyler, he was indebted for the presidency to "the accident of an accident." So the God Apis was selected from other bullocks for some qualities known only to the priests: though to laical eyes he was nothing but a common stot, distinguished by no mark and likelihood; soon as selected he became a God, and had the homage of his worshippers. The nomination of the Apis might be one "not fit to be made," but when

clerically made it always had the laic confirmation, and no Apis was ever found too brute to receive worship.

It was said in 1848, that it was not of much consequence who was President if he were only a Whig; it did not require much ability to fill the office; much acquaintance with the Philosophy of Politics; nor even much knowledge of the Facts of Politics; nay, not any eminence of character. Mr. Polk was not the first or the last attempt to demonstrate this by experiment.

His private life was marred by no unusual blemish, and set off by no remarkable beauty. He kept the ten commandments very much as other men; was sober, temperate, modest in his deportment; what seems latterly rather unusual for a President, he did not swear profanely. On his death-bed he "professed justifying faith in the Lord Jesus Christ," "relying alone for salvation on the great doctrine of atonement," and "received the ordinance of baptism;" thus he secured a good name in the churches, not yet accorded to Franklin and Washington. Estimating him by the ordinary standard about him, the true way to judge such a man, he has been set down as an exemplary man, using his opportunities with common fidelity. Some official acts of his were purely official. His friends, since his death, claim but little for him. Eulogies are not supposed to limit themselves to telling the truth, or to extend themselves to telling the whole truth. Still they are a good test of public opinion. Burr got none; General Jackson had many; those on Mr. Polk were chiefly official, and their temperature, for official panegyrics, was uncommonly low, plainly intimating that little could be made of such a subject. Mr. Polk was hardly susceptible of rhetorical treatment after death. While in power he could easily be praised. We shall take it for granted that, excepting some of the eminent leaders, almost any prominent man in the Democratic party, if made President under such circumstances, would have done very much as Mr. Polk did; would have been merely a portion of the party machine. Last year the Whigs said, also, it was not very important what the personal opinions of the President were.

After eliminating these elements which we do not intend to speak of, the matter becomes quite simple: we have only to deal with the Ideas of the Administration, — the Measures proposed as an expression thereof, — and the Acts in which these Ideas took a concrete form. These, of course, will be com-

plicated with the adverse Ideas and Measures of the other party. Such is the theme before us, and such the scheme of this paper.

However, to understand the Ideas, Measures, and Acts of the Administration, it is necessary to look a moment at the state of the nation when Mr. Polk came to power. In our Foreign Relations all was serene except in the English and Mexican quarter. In the one the weather seemed a little uncertain; in the other there were decided indications of a storm.

In 1842, Mr. Webster, for a short time dignifying the office of Secretary of State, had performed the most valuable public service he has yet rendered his country. He had negotiated the treaty of Washington by which the North-eastern Boundary was settled. That was a very important matter, and Mr. Webster deserves the lasting gratitude of both nations for the industry, courtesy, and justice with which he managed that complicated, difficult, and vexatious affair. He is often celebrated as the Defender of the Constitution, but his services in that work, when looked at with impartial eyes, diminish a good deal, and perhaps will not be much spoken of when a few years have dispelled the mists which hang over all contemporary greatness. It was a real dignity and honor to negotiate the treaty. Certainly there were few men, perhaps not another in the nation, who could have done it. We do not mean to say that a board of civil engineers, or three good, honest men could not as well settle questions in themselves more difficult. But such was the state of feeling in England and America, that none but a distinguished politician could be trusted with the matter, and none possessed the requisite qualities in so eminent a degree as Mr. Webster.

There still remained another affair to be settled with England: we refer to the boundaries of Oregon. That question was purposely made difficult by some small politicians who exasperated the public on both sides of the water. The cry was raised "Oregon or fight;" "the whole of Oregon or none;" "54, 40." The legislature of Maine went a little further north, and shouted "54, 49." Some men, whose names are by no means forgotten, made a great outcry, and egged the ignorant headlong towards dangerous measures, threatening "war with England;" men, who, like frogs in the spring just escaping from their winter of obscurity, for their own purposes, made a great deal of noise with very little sense. The

intrinsic difficulty of the case was very small. England made large pretensions; so did we; both desiring a wide margin of oscillation before they settled down on a permanent boundary. But England was pacific, though firm, and not foolish enough to wish to fight with one whose peace was so profitable. A war between England and America is, on each side, a quarrel with a good customer. That is the mercantile aspect of the case. An administration which should seek honestly to settle the Oregon question would find no difficulty; had Mr. Webster remained a year more in the cabinet, we doubt not this affair, also, would have been amicably settled, and the country saved a good deal of wind.

Affairs certainly looked threatening in the neighbourhood of Mexico; there were troubles past, present, and to come. Americans had excited the revolution in Texas; fought her battles, and fomented her intrigues. Texas had just been annexed, or, as the phrase originally was, *re-annexed*. Texas and Mexico had been long at war; though not actively fighting at the time of annexation, the war was not ended. We took Texas with a defective title, subject to the claims of Mexico. If she did not prosecute those claims it was because she was too feeble, not that she had relinquished them. That was not all — we had insulted Mexico, and deeply injured her; not by accident, but with our eyes open, and of set purpose. We had wronged Mexico deeply, and then added new insults to old injuries. What made our conduct worse, was the fact that we were powerful, and Mexico defenceless. The motive which lay at the bottom of all, makes this accumulated baseness still more detestable; it was done to establish a bulwark for American slavery.

In a former number of this journal we have already spoken of the origin of the Mexican war,* but will now add a few words respecting the scheme of annexation. In 1803, Mr. Jefferson purchased Louisiana of France, a vast territory west of the Mississippi, for \$15,000,000. He thought he transgressed the Constitution in doing so, and expected an "act of indemnity" by the people, to justify the deed.† The Senate thought otherwise. Slavery was already established in Louisiana. In 1812, the present State of Louisiana was admitted to the Union with a constitution authorizing Slavery. In 1820, a new State was formed from what had been the more north-

* See No. I, Article 1.

† See his Message of Oct. 17th, 1803, and his letter to Mr. Breckenridge.

ern portion of Louisiana. Should it be a slave state, or free? That was the question. The South, "on principle," favored Slavery; the North, "on principle," opposed it. But both parties laid aside their "principles" and made a compromise, such as Mr. Clay and Mr. Clayton so much admire. Slavery was allowed only South of Mason and Dixon's line, $36^{\circ} 40'$ of north latitude. This was the famous "Missouri Compromise." But only a small part of Missouri lay south of the line. All the new territory, therefore, could make only two Slave States, Louisiana, and Arkansas. In 1836, Arkansas was admitted into the Union. Florida territory alone remained to be made into Slave States. Thus the territorial extension of the Slave power was at an end, while vast regions were left into which the stream of Northern enterprise continually poured itself; the North rapidly increased in numbers, in wealth, and in the political power which wealth and numbers give; the rapid rise of new States was to the South a fearful proof of this.

The North has always been eminently industrial, particularly eminent in the higher modes of industry, work that demands the intelligent head. The South has always been deficient in industry, especially in the higher modes of industry. The North has an abundance of skilled labor; the South, chiefly brute labor. This industrial condition of the South is almost wholly to be ascribed to the institution of Slavery, though perhaps something must be allowed for the climate, and something for the inferior character and motives of the original colonists who settled that part of the country. But while the North is industrial, the South is political; as the North sends its ablest men to trade, so the South to politics. The race for public welfare and political power was to be run by those two competitors, "not without dust and heat." After the Revolution, the opposite characteristics of the North and South appeared more prominently than before. The North increased rapidly in numbers, and outpeopled the South. The Revolution itself showed the comparative military power of the "Southern chivalry," and the hardy industry of the North.*

* "Let us compare a slave State, and a free one, of about equal population. In 1790, South Carolina contained 249,073 persons; Connecticut 238,141. Supposing the population, during the war, only two-thirds as great as in 1790, then South Carolina contained 166,018, and Connecticut 158,760 persons. During the nine years of the war, South Carolina sent 6,417 soldiers to the continental army, and Connecticut 32,039. In 1790, Massachusetts contained

After the adoption of the federal Constitution, the North increased with still greater rapidity, and began to show a decided superiority to the South. This is partly the result of the industry of the North; but in part the result of our navigation laws, which gave American bottoms a great national privilege. Most of the ships belonged, as they still do, to the North; they were the fruits of her industry. Did the Constitution guarantee slavery to the South, it *protected the ships of the North*. The South got a political advantage, and the North a commercial privilege, whose value in dollars has been greater than that of all the slaves in the United States. In all contests about money, the North carries it over the South; in all contests for immediate political power, the South over the North.

Some thirty years later, the nation changed its policy. It had taken pains to encourage commerce, and had a revenue tariff. Now it took pains to restrict trade, and established a protective tariff; so the North engaged in manufactures to a greater degree than before. The South could not do this: the slaves were too ignorant, and must remain so as long as they are slaves, otherwise they could not be kept together in the large masses which manufacturing purposes require; the whites were too indolent and too proud. The South continued to increase constantly in numbers and in wealth, but compared with the North, she did not increase. In America, political power is the resultant of wealth and numbers; it soon became plain that the political centre of gravity was travelling northwards continually, and with such swiftness that the South before long would lose the Monopoly of the Government, which she had long enjoyed by reason of her political character, and which the North cared little for so long as money could be made without it. The prosperity of the North rests on an industrial basis, that of the South on a political basis.

So the South must contrive to outweigh the North. How? Not by industry, which creates wealth directly, and indirectly

475,257 souls; during the Revolution, according to the above ratio, 316,838. While the six slave States, with their free population of 1,307,549, furnished but 59,336 soldiers for the continental army, and 10,123 militia men. Massachusetts alone sent 68,007 soldiers to the continental army and 15,155 militia. Thus shoulder to shoulder Massachusetts and South Carolina went through the Revolution, and felt the great arm of Washington lean on them both for support." — *Letter to the People of the United States touching the Matter of Slavery*, pp. 99, 100.

multiplies men, but by politics. The North works after its kind, and is satisfied with the possession of commerce and manufactures; the South, after its kind, rejoices in Slavery, and thinks to outwit the laws of Nature by a little juggling in politics. Behold the results. To balance the North, the South must have new slave states to give her power in the federal government. New territory must be got to make them of.

Texas lay there conveniently near. It had once been a part of Louisiana, as far west as the Nueces. In 1819, James Long went from Natchez in Louisiana to Nacogdoches in Texas, and, on the 23d of June, declared the independence of the republic of Texas.* About two years later, Mr. Austin and his colony went thither from Mississippi, carrying their slaves with them. In 1826, another insurrection took place, under Benjamin W. Edwards, and another declaration of independence followed. At that time the American government did not interfere nor much covet the territory. Texas was a convenient neighbour, and not a dangerous one; slaveholders could migrate thither with their slaves. But in 1824, the Mexicans forbid the introduction of slaves, and declared all free soon as they were born; Mexico refused to surrender up fugitive slaves. In 1827, Texas and Coahuila were united into one state with a constitution which allowed no new slaves, born or brought thither, and in 1829, Mexico emancipated all her slaves.

Soon as Mexico made advances toward emancipation, the American government began to covet Texas.† In 1827, under the administration of Mr. Adams, an attempt was made to purchase Texas; \$1,000,000 were offered. In 1829, Mr. Benton desired "the *retrocession*." His reasons are instructive: — we have now "a non-slaveholding empire in juxtaposition with the slaveholding South-west;" and "five or six new slaveholding states may be added to the Union." Yes, "nine states as large as Kentucky." A Charleston newspaper desired it because "it would have a favorable influence on the future destinies of the South, by increasing the votes

* Speech of Hon. Luther Severance in the House of Representatives, February 4th, 1847, p. 12

† This subject has been ably treated by Judge Jay, in his "Review of the causes and consequences of the Mexican war." (Boston. 1849. 12mo. pp. 333.) We are indebted to it for several facts. Mr. Porter, in his "Review of the Mexican War," &c., &c. (Auburn, N. Y. 1849. 12mo. pp. 220,) takes a different view, but writes an impartial and valuable book.

of the slaveholding states in the United States Senate."* In 1829, in a Virginia convention, Judge Upshur said, the annexation of Texas "would raise the price of slaves, and be of great advantage to the slaveholders of that State;" in 1832, Mr. Gholson, in the Virginia Legislature, thought "it would raise the price of slaves fifty per cent. at least." To sharpen the public appetite for Texas, in 1829 the cry was raised that "England wanted Texas; British merchants had offered to loan Mexico \$5,000,000 if she would place Texas under British protection." This trick was frequently resorted to, but now it is plain to the public that the apprehension was groundless. The same year, the first of Gen. Jackson's administration, our minister offered \$5,000,000 for Texas; the offer was rejected. He then offered a loan of \$10,000,000, taking Texas as collateral security; that, also, was rejected. He tried, also, but in vain, to obtain a treaty for the surrender of fugitive slaves.†

In 1840, considerable talk was made about the annexation. The state of Texas had made large grants of land to various persons, some of which had been bought up by Americans. So in addition to the general desire of the slaveholders, the owners of Texan lands had a special motive to stimulate them. Joint-stock companies were formed in the United States; there were the "Galveston Bay and Texas Company;" the "Arkansas and Texas Company;" "the Rio Grande Company." These had their headquarters at New York. Then there was the "Union Land Company," and the "Trinity Land Company," and others whose names we remember not. In Mississippi and Arkansas, attempts were publicly made to excite the people of Texas to revolt. In 1830, candidates for Congress in Mississippi were publicly catechised as to their opinion of annexation. The same year Samuel Houston got up his expedition to wrest Texas from Mexico. In 1832, Mexico was obliged to withdraw her troops from Texas, to suppress disturbances in other quarters; emigrants continually went, with their slaves, from the United States. In 1833, Texas organized herself as a separate State. Mexico refused her assent, and sent troops which were repulsed. As Mr. Jay says, "The standard of rebellion was raised. Texan agents traversed the United States, addressing public meetings, enlisting troops, and despatching military supplies to the

* Jay, page 13.

† Executive Documents No. 25, 19th Congress, 2d Session; also No. 23.

revolted province. On the 2d of March, 1836, the insurgents issued their declaration of independence, and fifteen days after adopted a constitution establishing perpetual slavery." "Of the fifty-seven signers to this declaration, fifty were emigrants from the Slave states, and only three Mexicans by birth."* The constitution prohibited the importation of slaves *except from the United States*; but every negro in Texas, or who might come there, was declared a slave!

During the war between Mexico and Texas, the American government took little or no pains to prevent our citizens from aiding the Texans; vessels were openly fitted out in our harbours, and sent to war on a friendly power, yet the Secretary of State had the hardihood to say the President (General Jackson) "took all the measures in his power to prevent it;" Mr. Van Buren in his letter to Mr. Hammet, says the same thing. Yet he allowed the Brigadier General of the Texan army publicly to advertise for volunteers for that army, in the State of North Carolina, and to enlist soldiers. The Mexican minister protested; it was all in vain. The president sent General Gaines with an army to lie on the Texan frontier, ready to further the designs of our citizens against Mexico. He was ordered to advance as far as Nacogdoches, if needful, and Mr. Forsyth told the Mexican Minister "our troops might, if necessary, be sent into the heart of Mexico." Our government tried to force Mexico into a war with us. American troops were on the soil of Mexico; her Minister complained, and requested that they might be withdrawn, the answer is "No." Two days after, (Oct. 15th, 1836,) the Mexican Minister demands his passports and goes home.†

Mexico was too feeble to fight. Neither our infraction of a treaty, nor the insults added to that injury could provoke her to a war. Other measures were to be tried; the American government got up its "claims" on Mexico—fifteen in number. Of these we have not now space to speak.‡

On the 1st of March, 1837, the Senate acknowledged the independence of Texas; a minister was sent and one was received. In August, 1837, General Hunt, the Texan minister,

* Jay, p. 18.

† See the correspondence between Mr. Gorostiza and Mr. Forsyth, and Mr. Dickens, in Executive Documents, No. 2, 24th Congress, 2d Session.

‡ See the correspondence relative to this matter in Executive Documents, No. 139, 24th Congress, 2d Session, and Executive Documents No. 3, 25th Congress, 2d Session, p. 31, *et seq.* 40, *et seq.*; Nos. 190, 347, 360; also Nos. 75, and 351. See the remarks of Mr. Jay, chapters V. VI, IX,—XI.

proposed annexation. Mr. Van Buren was then President: he has been called "the Northern man with Southern principles," though we think he deserves the title rather less than some others not so stigmatized. The offer of annexation was declined: Mexico was still at war with Texas; the Legislatures of New York, Pennsylvania, and all the New England States had protested against annexation. In regard to Texas Van Buren did not "follow in the steps of his illustrious predecessor." During his administration little was done to promote annexation. Nothing by the government. The third non-slaveholding President did not desire to extend the area of bondage. The consequences we shall presently see.

In 1841, the Whigs came into power with the shout of "Tippecanoe and Tyler too"; as an English traveller has said, "Log cabins with their songs and speeches, their orgies on bacon and hard cider had more to do with the election of Gen. Harrison, . . . than had less exceptionable means."* The Whigs thus gave the Democrats an opportunity, much needed, to turn themselves out of office. We have nothing to do with the motives which led the Whigs to select Mr. Tyler for their candidate for the Vice Presidency. They are too plain to need comment. The nomination was characteristic of the party. What followed would once have been regarded as "judicial," a "direct intervention of God" to punish an artifice. Mr. Tyler, becoming President, was true to his former character and conduct. He set about the work of annexation in good earnest. Commodore Jones was sent with a fleet to lie on the western shore of Mexico—to be ready in case of any outbreak with America. His conduct shows the expectation and design of our government. Mr. Upshur, the Secretary of State, is a good exponent of the policy of the administration. In Sept., 1843, he says "few calamities could befall this country [the United States] more to be deplored than the establishment of a predominant British influence [of which there was not the least danger,] and the *abolition of domestic slavery in Texas!*"† General Lamar, once president of Texas, had written to his friends in Georgia that without annexation "*the anti-slavery party in Texas will acquire the ascendancy . . . and may abolish slavery.*" . . .

* Mackay's Western World, &c. London. 1849. Vol. II. pp. 25-6.

† Upshur's Letter to Murphy, (our Agent at Texas,) Sept., 1843. Executive Documents, No. 271, 28th Congress, 1st Session.

For "*the majority of the people of Texas are not owners of slaves.*"*

On the 11th of October, 1843, Mr. Upshur took the initiative and proposed annexation to the Texans; he told them, on the 16th of Jan., 1844, that without annexation "they cannot maintain that institution [Slavery] ten years; probably not half that time."† If Texas is not annexed, he says again, "the people of the Southern states will not run the hazard of subjecting their slave property to the control of a population who are anxious to abolish slavery." Mr. Upshur was not so crafty as Mr. Murphy, his agent at Texas. He says: "Take this position on the side of the constitution and the laws, and the civil, political, and religious liberties of the people of Texas secured thereby, (saying nothing about abolition) and all the world will be with you;" say "nothing which can offend even our fanatical brethren of the North; let the United States espouse at once the cause of civil, political, and religious liberty in this hemisphere."‡ A treaty was made, but "our fanatical brethren of the North" were offended, and on the 8th of June, 1844, the Senate rejected it by a vote of 35 to 16.§

"The immediate annexation of Texas" was now the favorite measure of the slave power. They had little fear that, in the next presidential term they could repeal the tariff of '42, but felt doubtful of the success of annexation. Mr. Upshur feared New England; || had he lived at Boston, and known the influences then controlling New England, he would have seen there was no reason for present fear. A presidential election was at hand; the Democratic convention was to meet at Baltimore in May. Mr. Van Buren was the most prominent candidate of the party. Most of the delegates to the convention had been instructed by the primary assemblies which appointed them, to support him. But he was a Northern man; while President he had *not* favored annexation; he had lately written a public letter, (April 20, 1844,) and plainly declared himself hostile to annexation as then proposed.¶ Mr. Ritchie,

* Jay, pp. 87, 88.

† Executive Document, No. 271, 28th Congress, 1st Session, p. 46.

‡ Letter of Sept. 23d, 1843, and Sept. 24th, *ubi sup.*

§ See Mr. Tyler's Special Message of April 22d, 1844, and his Annual Message of Dec. 5th, 1843.

|| See his Letter to Mr. Murphy, [No. 14] Executive Document, No. 271, *ubi sup.*

¶ See his Letter to Mr. Hammet, in Niles' Register, new series, Vol. XVI. p. 153, *et seq.*

"the senior field-marshal of Van Buren's party," forsook and opposed his old friend. Mr. Cross, of Arkansas, "would not vote under any circumstances for a man opposed to the annexation of Texas;" Van Buren was "not the proper person for the party to rally around in the coming struggle;" "nine out of ten of our friends think so. The Tyler committee wrote on their card, as for Van Buren, "Texas has destroyed him;" "the last, best, and wisest counsel of Andrew Jackson was—the annexation of Texas."

The convention assembled; Van Buren got more than a majority, but could not get two-thirds of the votes. Candidates were numerous. There were some that proposed Cass, Calhoun, Buchanan, Tyler, Tecumseh-Johnson; some even thought it best to take again Andrew Jackson—"gallant old Ironsides." Even Commodore Stewart was talked of. When the political tide ebbs clean out of the harbor, strange things appear on the bottom, only seen on such occasions. Men thought it very surprising that such a man should be spoken of—certainly it had no precedent, and he no political experience. Now the nomination would not be at all surprising or irregular. The Commodore's letter looks silly enough now. But who knows if only elected, that he would not have been as great a man as Mr. Polk, nay, as Tyler, or Taylor? He was for "immediate annexation," and would "throw ourselves on the justice of our cause before God and the nations." Valiant Commodore; he might have been as great a man as Mr. Polk, had the tide of nomination *served* in his favor.

After all the mountainous labor of the Baltimore Convention, there came forth Polk; Mr. James K. Polk. Men wondered. "Who the Devil *is* James—K—— Polk?" said many Democrats; and when told, they thought it was "a nomination not fit to be made." None of them proved it, by facts and arguments, quite so faithfully as the distinguished author of that phrase did on a recent occasion at Marshfield; they left that for Mr. Polk to do, (not by logic, but by experiment,) and he did—we shall see what he did, in due time. Mr. Van Buren was "sincerely desirous for their success," the success of the nominees.* The Whigs were pretty firmly united in support of Mr. Clay, "Harry of the West," and "that same old Coon," as he has publicly called himself. He was not, publicly, much opposed to annexation, nor much in

* Letter of June 3d, 1844.

favor of it, and in respect to that was a pretty good index of his party. Yet some Whigs were seriously and conscientiously opposed to the annexation of Texas as a slave territory; so were a few Democrats, who constituted the moral element of the party. Both of these minorities have since reported their presence in the politics of the land, indications of something yet future. It was a rash movement of the party, this changing their leader and their line on the very brink of battle, under the guns of their opponent, already put in battery and ready to fire; but they were confident in their strength, and were so well drilled that they only needed the word of command, to perform any political evolution or revolution.

It is a little curious to look back. On the 3d of March, 1843, twenty-one members of Congress solemnly declared that "annexation would be identical with dissolution; would be an attempt to eternize an institution and a power of a nature so unjust . . . as . . . *not only to result in a dissolution of the Union, . . . but fully to justify it.*" Five of the twenty-one were from Massachusetts. "A good memory is" not so "needful to a" politician, as to another class of persons not named among gentlemen. The protest of March 3d was not very distinctly remembered at a later date by every one of the signers thereof.

At the other extreme was the State of South Carolina. This is a very remarkable State, and her doings—we mean the doings of her lips—deserve a special notice. Before the Baltimore Convention, it was necessary for that Empire State to speak out, her trumpet giving no uncertain sound. So, on the 15th of May, the people of Charleston, who had "forborne to give any public declaration of . . . opinions and wishes, . . . and patiently waited," at length and solemnly "resolved" that annexation is "an American and national measure, antagonistic to foreign interference ["still harping on my daughter"] and domestic abolitionism"; "if the treaty for the recovery (!) of Texas be defeated because of the increase it will give to the slave-holding states, it will be the denial of a vital right to them."

Even after the convention, the danger of the patriarchal institution is so great that there must be "a Southern convention." The "South Carolinian," of May 30th, said, annexation is "a question not of *party*, but of *country*, and to the South one of absolute *self-preservation*"; "under the subtle encroachments of our old enemy of Britain, aided by the

traitorous abolitionists at home, . . . her doom is sealed if she does not arise in her might . . . and affect a union with Texas"; "England once firmly seated in Texas, and there is an end of all power or safety for the South, which would soon be made another St. Domingo." A convention of Slave States was to be called "to take into consideration the question of annexing Texas to the Union, if *the Union will accept it*; or if the Union *will not accept it*, then of *annexing Texas to the Southern States*." The convention was to offer the Union this "alternative": "either to *admit Texas into the Union*, or to proceed *peaceably and calmly to arrange the terms of a dissolution of the Union*." Annexation must be had at all costs. A meeting "in the Williamsburg district" declared, quite "in the Ercles" dialect of that region, that "the doom of the South is sealed and the dirge of our fair republic will ere long be sung by liberty's last minstrel, if she does not arise in her might and affect a union with Texas."

Here are some of the "sentiments" of South Carolina; the time and place are the 4th of July and "Marion Court-House:" "The annexation of Texas—the great measure of deliverance to the South—though defeated now by the bitterness and faction of party; come what may we will never give her up." "The protective tariff and abolition—the one, under the form of law, seeks the profits of our labor; the other, under the guise of philanthropy, to wrest our property from us. South Carolina is ready to resist the one and repel the other."

An "unsuspected nullifier" of 1832 came out to assure the people that "the political Moses [to wit, Mr. Moses-Calhoun] is neither lost nor dead, but that he is ready to follow the pillar of cloud by day, or fire by night." "True," he says, "there is a Joshua, [Mr. Joshua-Polk, meaning,] full of the spirit of wisdom, for that Moses has laid his hands on him"; but "there is still no prophet in Israel [inuendo the United States of America] like Moses," [to wit, Mr. Moses-Calhoun.] But somehow it seemed Moses had been so long talking with *his* Lord, that the Baltimore Convention,—sorely to seek for a prophet of some mark and likelihood, for there was no open vision in those days,—could not steadfastly look upon the face of *this* Moses and make him their President; and so, as for this Moses, the people of South Carolina wot not what would become of him, nor even what would become of themselves without Texas. A writer in the Charleston Mercury

asked, "What is the remedy for the evils which afflict the South?" and is thus replied to by a far-sighted man in the same journal, who does not sign himself "Captain Bobadil," though he is certainly of that military family: "I answer, unreservedly, *Resistance — combined Southern resistance, if you can procure it [if emphaticum]; if not, then State resistance.*"

A Virginia writer, we forget who, said there was "a big screw loose somewhere in South Carolina"; we shall presently see his mistake. This resistance was seriously meant; South Carolina was apparently arming for the fight, mustering that "small infantry" of hers. How shall we relate her deeds, and in what well-becoming words essay our venturous task? Oh Muse, author of bombast and of fustian, who, from the heights of Gascony, — where thou presidest over founts of froth and brooks of foam, — didst once descend to inspire the soul of Bavius and of Mævius, bards of vast renown and parents of a never ending, never silent line, — come and inspire some of their mighty kin to sing the horrid internecine war, bidding him tell who first, who last, came forth to fight. 'T was Quattlebum! so is he known to fame. Alas, the muse of Gascony will not again inspire a bard with verse fitting such mighty themes. So let the muse of history record it with pedestrian pen. General Quattlebum, the renowned commander-in-chief, commissioned, epauletted, the admiration of negro slaves, mounted on his war-horse, went round, "sonorous metal blowing martial sounds," full of dignity, state-valor, "reserved rights," and nullification — "an eye like Mars to threaten and command;" — went round to stir up the spirit of fight, "reviewing his regiments." Oh reader, gentle or simple, this is history which we record; the veracious Niles has registered the deeds. One newspaper says that General Quattlebum addressed every regiment "in a speech for annexation. The men . . . all go for annexation, — right off the reel, now or never." The Charleston Mercury exclaimed, "Thus it will be seen that two thousand eight hundred and thirty-two men, with arms in their hands, in the drill-field, have expressed their decided determination to sustain the measure." The "forty-third regiment" resolved "that it would be more for the interest of the States, [the South and South-west,] that they should stand out of the Union with Texas, than in it without her." This was the thing — "combined Southern resistance if it could be had; if not, then State resistance" — the resistance of South Carolina and her "two thousand eight

hundred and thirty-two men with arms in their hands." What if South Carolina had "resolved" not to wait, but to annex Texas at once, leaving her eight-and-twenty sisters to their fate? What would have been the fate of the North? Already does affrighted fancy picture to our eye the South Carolinian general — the terrible Quattlebum, himself a war, his words battles, — his forty-third regiment leading the way, and his "two thousand eight hundred and thirty-two men, with arms in their hands," reaching o'er many a yard of solid ground, and marching north, as when a cloud "with thunder fraught comes rattling o'er the Caspian!" Town after town falls into his hands; state after state; Baltimore is his; Philadelphia has surrendered to Quattlebum; the Palmetto waves over New York; New England "is not a circumstance" in his way. What avails the memory of Lexington and Bunker Hill? Vain is the skill of General Scott and General Taylor; Commodore Stewart is taken captive; even General Thumb is reduced to despair. Texas would be not merely annexed, but actually spread over the whole land, and the mouths of "our fanatical brethren of the North" literally stopped with Texan dirt. But no — this is fiction, oh gentle reader, not fact. There is this peculiarity of South Carolinian valor: it is very valorous before the time of danger and after the time of danger, but in the time of danger, all at once it loses its identity, statical and dynamical, and becomes — DISCRETION. It is the better part of valor. He was a wise man who bid his legs, which were cowards, carry his brave heart out of danger. In the times of nullification in 1832, the great oath of Andrew Jackson laid South Carolinian valor low in the dust; to accomplish that in 1844 it took only the common swearing of John Tyler. It was needless to shoot at such an adversary; it was not worth the shot, for the poor little thing fell of itself and died of the fall. The coast of South Carolina is said to be windy, and the characteristic of the seashore has been communicated to the politicians of the state: her politics, indeed, are like a bag of wind, and we think there was not "a big screw loose" in the state, but only a big string had slipped off. The only aggressive act committed by the petulant little commonwealth, spite of the resolutions of its forty-third regiment, of the "decided determination" of the "two thousand eight hundred and thirty-two men with arms in their hands," and the scheme of "combined Southern resistance," or "at any rate, State resistance," — the only aggressive act of South Carolina was

the expulsion of an unarmed gentleman on the 5th of December, who had been sent from Massachusetts to look after her own citizens. Thus was "abolition" repelled. After that the valor of South Carolina flattened away as the wind had blown out, and for a long time all was quiet, not a general stirring. There are noble elements in the State, and some noble men. If ever it becomes a democracy and not an oligarchy; if the majority ever rule there, we shall see very different things, and South Carolina will not be a proverb in the nation.

Mr. Polk was elected. On the 25th of Jan., 1845, the Joint Resolution for annexation passed the House of Representatives, by a vote of 120 to 98, and soon after the Whig Senate by a majority of two votes; it was signed by the President on the 1st of March. So the work of annexation was completed before Mr. Polk came into power, though by no means without his aid. If this could have been done justly, without extending Slavery, few men at the North would have had cause to complain. We do not blame the Texans for desiring independence, or achieving it; we find no fault with extending the area of freedom over the whole world. We rejoice to extend the institutions of liberty over all North America, and should be glad to see the "honorable Senator" from Labrador or the Lake of the Woods, in the American Congress. We cannot think that Mexico had just cause of war in the bare act of annexation. But when we remember, that America colonized Texas for the sake of wresting it from Mexico, who would not sell it; that Americans got up the Texan revolution, and fought it through, and did all this for the sake of getting nine Slave "states as large as Kentucky;" that this was done secretly, fraudulently, with a lie on the lips of the government—we must say the deed itself was a base deed, and the motive base and miserable.

Such was the state of foreign affairs. In all that concerned domestic welfare, the nation was never so well off before. There had been a considerable period of remarkable prosperity. It must be a very bad government which, in four years, can seriously injure a nation like this, where so little depends on the central power. Mr. Tyler appealed to the judgment of posterity for his vindication; we have no desire to anticipate the verdict which will be rendered, but certainly no party was sorry when he went out of office.

During the year ending June 30th, 1845, the imports of the

United States amounted in value to \$117,254,564; the exports to \$114,646,606. The national revenue was \$29,769,133.56; the expenditures \$29,968,206.98. There was a balance in the treasury of \$7,658,306.22. The amount of public debt on the 1st of October, was \$17,075,445.52.

The peculiar and distinctive Ideas of the party are set forth in the Resolutions of the Baltimore Convention — which, having ideas, published its platform — and in the inaugural address of Mr. Polk. Some of them were expressed in a negative and some in a positive form.

“It is inexpedient and dangerous to exercise doubtful constitutional powers.”

Government has no right “to commence and carry on a general system of internal improvement.”

“Justice and sound policy forbid the federal government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country.”

“In levying discriminating duties, . . . care should be taken . . . not to benefit the wealthy few at the expense of the toiling millions.”

“Congress has no power to charter a national bank.” “Such an institute is . . . of deadly hostility to the best interests of the country, dangerous to the republican institutions and the liberties of the people.” “Separation of the moneys of the government from banking institutions is indispensable.”

“Our title to the whole of Oregon is clear and unquestionable.”

The distinctive measures proposed were as follows: —

1. “The separation of the money of Government from banking institutions.”
2. “A Tariff for Revenue.”
3. “The Re-occupation of Oregon.”
4. “The Re-annexation of Texas.”

It is to be regretted that these measures were seldom submitted to a scientific and careful examination. They were abundantly discussed in Congress and out of Congress, but almost wholly in the spirit of party. Some of them were finally carried by a mere party vote; measures, too, on which the welfare of the nation was thought to depend. As we look over the speeches made in reference to the Tariff or the Subtreasury, we find ability enough; now and then a knowledge of the subject in hand, though that is far enough from

common—but fairness which is willing to see good in the measures of a political opponent we almost never find: a man must be a “good Whig,” or a “good Democrat,” or a “good Free Soiler;” must favor nothing but the ideas, the measures, the deeds, and the men of his party.

In his first message, (Dec. 2d, 1845,) Mr. Polk recommended the establishment of a “constitutional treasury . . . as a secure depository for the public money, without any power to make loans or discounts, or to issue any paper whatever as a currency or circulation.” In conformity with this suggestion, a bill was reported with a proviso called “the specie clause”—that all payments to or from the government should be made in gold or silver. This bill passed the House by a vote of 123 to 64, the Senate by 28 to 24, and went into operation on the first of January, 1847, though the government did not pay specie till the first of April following. It is instructive to look at the speeches of eminent men, and the remarks in the leading newspapers, and see how party-spirit can blind the eyes of practical men, otherwise far-sighted. It was thought so much specie would be locked up in the Subtreasury that there would not be enough for common business; “the drain would become onerous, indeed, if not insupportable.” The *National Intelligencer*, of October 10th, 1846, thought it was a “scheme only congenial to despotic governments, and utterly incompatible with the habits, the conveniences, and the whole social structure of free communities;” “every day’s experience proves its impracticability, and its mischievous nature, even were it practicable.” But before the end of the year, Mr. Polk could say with truth, (Message, Dec. 8th, 1846,) “that the amount of gold and silver coin in circulation in the country is greater than ever before.” The banks were kept from “inflating” the currency. The measure has proved itself a wise one. Its good effect in retaining coin in the country, and thus preventing a suspension of specie payment by the banks during the terrible commercial crisis of 1847–1849, was felt throughout the land, and is now pretty extensively acknowledged. The administration deserves the gratitude of the people for this measure. But what Whig journal will venture to do justice to the Subtreasury! Mr. Gallatin says well:—“the practice . . . to convert every subject . . . into a pure party question destroys altogether personal independence and strikes at the

very roots of our institutions. These usages of party . . . make every man a slave, and transfer the legitimate authority of the majority of the nation, to the majority of a party, and consequently to a minority of the sovereign people."*

Mr. Polk also recommended a "Tariff for Revenue;" Mr. Walker, the Secretary of the Treasury, presented his scheme of such a Tariff. In due time a bill was reported. The general tone of the discussion in Congress and out of it indicated very clearly the state of the country, and was a good example of the manner in which the most important political matters are investigated. We think there was no impartial discussion of the subject in Congress, or in the newspapers. We doubt that there is a single political or commercial journal in the United States, which would "open its columns" to a free and full discussion of the subject on the merits of the case. Political economy can hardly be considered an exact science as yet; but American politicians, even the most eminent, with here and there an exception, seem ignorant of the conclusions which may be regarded as established. Very few of them seem to study political economy — even to learn the facts on which it is based, still less to learn the natural laws on which the material prosperity of the nation depends. Why should they? It is a tiresome work to instruct a great nation, and mankind seldom loves its school-masters in their lifetime, while it requires little effort to swim with the tide. In 1827, the citizens of Boston "assembled to take into consideration the proposed increase of duties;" their committee made a long and very able report adverse to that increase, and very justly say: —

"The success or failure of the candidate for the Presidency, may be of great moment to the country, and still greater to those partizans whose political fortunes are depending on that event; but to the nation at large, the evil or the good which may arise out of the choice of the one or the rejection of the other, can only be of temporary and limited importance compared with the wise and just disposition of a question on which our whole foreign and domestic policy turns, and which may, in its consequences, affect the stability and happiness of the Union for ages to come."†

* Letter of Feb. 10th, 1846, in the *National Intelligencer*.

† "Report of a committee of the citizens of Boston and vicinity opposed to a further increase of duties on importations. Boston. From the press of

In 1789, a moderate protective duty was established, on all imported articles; in 1816, a high protective tariff was for the first time established. Mr. Clay and Mr. Calhoun were its most important advocates. The tariff was raised in 1818, and in 1822, and was made much higher in 1824. Mr. Webster opposed it with his peculiar ability, in a speech not yet forgotten. In 1828, a very high tariff was established by what has been called "the Bill of Abominations." In 1832-3, the tariff relaxed a little, to avert a civil war. Mr. Clay got his celebrated "compromise act" established. The compromise lasted about nine years, till 1842. The celebrated tariff of 1842 was passed under the administration of Mr. Tyler, and is too well known to require any remarks from us. Mr. Webster admitted it had "its imperfections."

Mr. Polk came into power with the idea of a Revenue Tariff in his mind. The bill passed the House of Representatives by a vote of 114 to 95, 1 Whig and 113 Democrats voting on that side; 71 Whigs, 18 Democrats, and 6 "Native Americans" voting on the opposite side. It passed the Senate by the casting vote of the Vice President, who was pledged to the measure before his election. A law of this magnitude has seldom passed any modern legislature with such imperfect discussion. In the Senate only a single man, Mr. Lewis, spoke in defence of the bill; its friends gave "their thoughts no tongue," they were "checked for silence but never taxed for speech." Certainly we must say the conduct of the friends of the bill was eminently unjust, and the bill itself was carried, not by its merits, but by the power of the party; not by force of mind, but force of numbers.

It is a little painful to see how confident men are when they are so exceedingly short-sighted. We copy some of the remarks of the leading newspapers of the day.

"The more its details [of the bill] are studied, the more odious is it made to appear;" "it is fruitful of mischief, and of mischief only;" members of Congress must be callous to every principle of justice, to every feeling of humanity, . . . if they can consent to destroy a measure so important as the law of 1842." "The spirit of evil, the exactions of party, the behests of the Baltimore Convention have finally triumphed over the

Nathan Hale." 1827. p. 5, *et seq.* See, also, the Proceedings of the meeting at Faneuil Hall, Oct. 2d, 1820, in the *New England Palladium* of Oct. 3d, 1820. Also appended to Letters of S. D. Bradford, Esq. Boston. 1846. p. 37, *et seq.*

prayers and remonstrances of a betrayed and terrified people. The fatal measure which strikes at the root of all the industry of the country, and at the living of every man in it who earns his bread by the sweat of his brow,—this misshapen and monstrous scheme, . . . this measure so pregnant of evil, has secured the sanction of both houses of Congress;” the specie will be “all drained out of the country in order to pay the balance of trade; . . . credit will expand to its utmost . . . to save the specie. At length, having neither cash nor credit, poverty steps in with its imperative restraints.”

Mr. Webster made a learned, and in many respects a very able speech, though he weakened his rhetoric with a little extravagance, unusual with him,—against the new Tariff,—against its general principles, and its particular details. He said, in the Senate*:—

“The Treasury cannot, in my opinion, be supplied at the ratio which has been stated, and is expected, by any possible, I will say possible, augmentation of importations.” “Why, the effect of this bill is to diminish freights, and to affect the navigating interests of the United States most seriously, most deeply; and therefore it is, that all the ship owners of the United States, without an exception, so far as we hear from them, oppose the bill. It is said to be in favor of free trade and against monopoly. But every man connected with trade is against it; and this leads me to ask, and I ask with earnestness, and hope to receive an answer, at whose request, at whose recommendation, for the promotion of what interest, is this measure introduced? Is it for the importing merchants? They all reject it, to a man. Is it for the owners of the navigation of the country? They remonstrate against it. The whole internal industry of the country opposes it. The shipping interest opposes it. The importing interest opposes it. Who is it that calls for it, or proposes it? Who asks for it? Who? Has there been one single petition presented in its favor from any quarter of the country? Has a single individual in the United States come up here and told you that his interest would be protected, promoted, and advanced, by the passage of a measure like this? Sir, there is an imperative unity of the public voice the other way, altogether the other way. And when we are told that the public requires this, and that the people require it, we are to understand by the public, certain political men, who have adopted the shibboleth of party, for the public; and certain persons who have symbols, ensigns, and party flags, for the people; and that’s all. I aver, sir, that is all.”

* Speech of July 25th, 1846.

The administration "proposes a new system adverse to all our experience, hostile to every thing we have ever learned, different from the experience of any country on the face of the earth."

"It is prohibitory of internal labor. . . It does encourage the labor of foreign artisans over and above, and in preference to, the labor of our own artisans here in the United States."

Before the passage of the bill, Mr. Webster presented in the Senate a memorial "signed by every importer of dry goods in the city of Boston, against the bill for the repeal of the Tariff."

What shall be said of the Tariff of 1846; — has it failed to produce a revenue; has it drained the specie out of the country; has it led to a great extension of paper money; has it produced the confusion occasioned by the Tariffs of '16, of '28, of '42? Has it impoverished the nation? The answer is all about us! Still, we admit that by adopting the *ad valorem* instead of *specific* duties, an opportunity has been left for fraudulent invoices, and great fraud has been committed, doing a wrong to the government, and still more to the fair and honorable merchant.

The "re-occupation of Oregon" was also recommended in Mr. Polk's first message. Our title "to the whole of Oregon territory" was "asserted, and, as is believed, maintained by irrefragable facts and arguments;" "to the Oregon our title is clear and unquestionable;" our "claims could not be abandoned without a sacrifice of both national honor and interests," and "no compromise which the United States ought to accept could be effected." He recommended that we should give the British notice of our intention to terminate the period of joint occupancy, as the treaty of 1818 allowed either party to do. Mr. Polk, on other occasions, showed himself rather raw in diplomatic affairs; it would seem that he knew little of the matter in hand when he wrote the sentences above. They show him as a mere servant of his party, not as a great statesman, able to mediate between two mighty nations, and distribute justice with an even hand.

A great deal of discussion took place. The minor prophets and the major gave counsel after their kind. The Union — the Organ of the government at Washington — contended for "the whole of Oregon or none. That is the only alternative as an issue of territorial right." But the Charleston Mercury was all at once afflicted with a conscience, and could distin-

guish between "claims" and "rights." We shall presently see the reason of the difference. In the Senate, Mr. Sevier of Arkansas, said that "war will come;" Mr. Breese of Illinois, would not have the government "grant any position to Great Britain upon any spot whatever of Oregon." Mr. Allen of Ohio, said the "American Government could not recede short of 54, 40." Mr. Hannegan of Indiana, thought that "the abandonment or surrender of any portion of . . . Oregon would be an abandonment of the power, character, and best interests of the American people." Mr. Cass thought war, "an old-fashioned war," "was almost inevitable;" Great Britain "might be willing to submit the question to arbitration, but the crowned heads whom she would propose as arbitrators would not be impartial, for they would cherish anti-republican feelings." He would negotiate, as Mr. Webster very justly said, with the avowed predetermination to take nothing less than the whole of the territory in dispute. In the House of Representatives, John Quincy Adams went in for the territory on religious grounds, and claimed the whole of Oregon on the strength of the first chapter of Genesis. His conduct and his counsels on this occasion can hardly be called less than rash.

The South was not at all anxious to obtain the whole of Oregon. Mr. Calhoun was singularly moderate in his desire for re-occupation; nice about questions of title and boundary, and desirous of keeping the peace. The reason is obvious. Mr. Hannegan said well, "If it [Oregon] was good for the production of sugar and cotton, it would not have encountered the objection it has done." "I dreaded, on the part of those who were so strenuously in favor of the annexation of Texas at the Baltimore Convention, — I dreaded, on their part, Punic faith." Poor, deluded Mr. Hannegan, he found it. After Texas was secured, they who hunted after Oregon were left to beat the bush alone; nay, were hindered. This also would once have been considered as "judicial."

"Here," says he, "we are told that we must be careful and not come in collision with Great Britain about a disputed boundary! But if it were with feeble Mexico that we were about to come into collision, we would then hear no such cautions. There was a question of disputed boundary between this country and Mexico, and those who have a right to know something of the history of that boundary told us that our rights extended only to the Nueces. How did we find the friends of Texas moving on that occasion?"

Did they halt for a moment at the Nueces? No, sir; at a single bound they cross the Nueces, and their war-horses prance upon the banks of the Rio del Norte. There was no negotiation then — we took the whole; but when Oregon is concerned, it is all right and proper to give away an empire, if England wills it."

In the House, Mr. Winthrop suggested that, "in arbitration, reference was not necessarily to crowned heads," but the matter might be left to "a commission of able and dispassionate citizens, either from the two countries . . . or the world at large." Mr. Benton was moderate and wise; his speeches on the Oregon question did much to calm the public mind and prepare for a peaceful settlement of the difficulty. The conduct of Mr. Webster was worthy of the great man who had negotiated the treaty of Washington. He said in the beginning, "Let our arguments be fair; let us settle the question reasonably."

Congress resolved to terminate the joint occupancy. The British government was willing to settle the business by arbitration or direct negotiation. America prefers the latter. Britain sends over her proposition to settle on the 49th degree as a general basis. Mr. Polk referred the whole matter to the Senate, and asked their advice. He had not changed his opinion; not at all. If the Senate did not take the responsibility and advise him to accept the British proposal, he should feel it "his duty to reject the offer." Thus the responsibility was thrown upon the Senate. The proposal was accepted, a treaty was speedily made, and the only remaining cause of contention with England put to rest for ever. The conduct of Mr. Polk, in making such pretensions, and holding out such boasts, on such a subject, was not merely rash, weak, and foolish; it was far worse than that. But for the unexpected prudence of a few men in the Senate, and the aversion of the South to acquire free territory, he would have lit the flames of war anew and done a harm to mankind which no services he could render would ever atone for.

On the 4th of July, 1845, Texas accepted the contract of annexation, and on the 22nd of December, two hundred twenty-five years after the landing of the Pilgrims on Plymouth Rock, the Senate of the United States passed upon the matter finally, and the work was done. However, previous to this event, Mr. Polk had proposed to renew our diplomatic relations with Mexico, which had been broken off. Mexico

consented to receive "a commissioner . . . with full powers to settle the present dispute." America sent Mr. Slidell as a permanent minister plenipotentiary. He was refused *pro causa*.* The instructions given to Mr. Slidell have not, we think, been *officially* published, though they were requested by the House. However, a document purporting to contain those instructions was published *unofficially*. From that it appears that he was instructed to purchase New Mexico and California; he was allowed to offer \$25,000,000 and the American claims on Mexico, amounting, by his estimate, to \$8,187,684.† Thus the whole territory of New Mexico and California was thought to be worth \$33,187,684.

Soon after the accession of Mr. Polk to office, General Taylor was ordered to Texas with an army. On the 15th of June, he was advised by the Secretary of War, Mr. Marcy: "The point of your ultimate destination is the western portion of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as . . . will be best adapted to repel invasion. You will limit yourself to the defence of the territory, unless Mexico shall declare war against the United States."‡ General Taylor took position on the Nueces at Corpus Christi, "the most western point ever occupied by Texas," but nearly two hundred miles east of the Rio Grande. August 6th, Mr. Marcy writes §: —

"Orders have already been issued to send ten thousand muskets and a thousand rifles into Texas."

August 23d,

"Should Mexico assemble a large body of troops on the Rio Grande, and cross it with a considerable force, such a movement would be regarded as an invasion of the United States."

August 30th,

"An attempt to cross, . . . with such a force, will be con-

* See No. I. of this journal, p. 18, *et seq.* See the correspondence between the various functionaries in Executive Document, No. 60, 30th Congress, 1st Session, p. 12, *et seq.* Unfortunately we have only the translation of the Mexican letters. See, also, Senate Document, No. 337, 30th Congress, 1st Session, p. 18.

† Jay, p. 117, *et seq.* See, also, Document No. 2, House of Representatives, 29th Congress, 1st Session, p. 31, *et seq.*, for the correspondence between the government of Texas and the United States, and No. I. of this journal, p. 24, *et seq.*

‡ Executive Document, No. 60, 30th Congress, 2nd Session, p. 81, *et seq.*

§ See No. I. of this journal, p. 25, *et seq.*

sidered in the same light. . . . Mexico having thus commenced hostilities, you may . . . cross the Rio Grande, disperse or capture the forces," &c.*

He was authorized to draw militia from five states — Alabama, Mississippi, Louisiana, Kentucky, and Tennessee.† Still General Taylor remained at Corpus Christi, not undertaking to commit an act of war by marching into the territory of Mexico. On the 13th of July, 1846, he was ordered to "advance and occupy . . . positions on or near the east bank of the Rio Grande."‡ Accordingly, General Taylor marches from the Nueces to the Rio Grande, finding no Texans or Americans on his way — only "small armed parties of Mexicans," who appeared "desirous to avoid us." He takes his position on the left bank of the Rio Grande, and plants his guns — "four eighteen-pounders" — so as to "bear directly upon the public square of Matamoras, and within good range for demolishing the town."§ Behold General Taylor nearly two hundred miles within the territory of Mexico, by the command of Mr. Polk — in a district, to use the words of Mr. Trist in his letter to Mr. Buchanan, which "just as certainly constituted a part of that state [Tamaulipas,] and not of Texas, . . . as it is certain that the counties of Acomac and Northampton do now constitute a part of the state of Virginia and not of Maryland."|| An interview took place between the American General, Worth, and General Vega on the part of Mexico. "General Vega remarked that 'we' felt indignant at seeing the American flag placed on the Rio Grande, a portion of the Mexican territory." General Worth replied, "that was a matter of taste; notwithstanding there it would remain."¶ On the 12th of April, the Mexican General, Ampudia, very justly said, "Your government . . . has not only insulted, but exasperated the Mexican nation, bearing its conquering banner to the left bank of the Rio Grande del Norte."**

It was plain that America had committed an act of war, still the Mexicans did not commence hostilities. On the 12th of April, Ampudia summoned the American General to "with-

* Executive Document, *Ibid.*, pp. 84, 85, 88, 89.

† *Ibid.*, p. 86.

‡ Executive Document, *Ibid.*, p. 90.

§ Letter of April 6th, 1846, *Ibid.*, p. 133.

|| Executive Document, No. 52, 30th Congress, 1st Session, p. 290.

¶ Executive Document, No. 60, p. 137.

** *Ibid.*, p. 140.

draw within twenty-four hours"; he answered the same day that he "should not retrograde." On the 17th, he blockaded the mouth of the Rio Grande, thus cutting off supplies from Matamoras, and wrote home that "it will at any rate compel the Mexicans either to withdraw their army from Matamoras, where it cannot be subsisted, or to assume the offensive on this side of the river." * Flour rose to \$40 a barrel, it is said, at Matamoras. Still there was no fighting. But on the 23d of April, General Taylor thus writes:

"With a view to check the depredations of small parties of Mexicans on this side of the river, Lieutenants Dobbins, 3d infantry, and Porter, 4th infantry, were authorized by me a few days since, to scour the country for some miles, with a select party of men, and capture or destroy any such parties that they might meet. It appears that they separated, and that Lieutenant Porter, at the head of his own detachment, surprised a Mexican camp, drove away the men and took possession of their horses. Soon afterwards, there fell a heavy rain, and, at a moment when the party seem to have been quite unprepared for an attack, they were fired upon from the thicket. In attempting to return it, the muskets missed fire, and the party dispersed in the thicket."

Three days later he writes:

"I regret to report that a party of dragoons, sent out by me on the 24th inst., to watch the course of the river above on this bank, became engaged with a very large force of the enemy, and after a short affair, in which some sixteen were killed and wounded, appear to have been surrounded and compelled to surrender.

"Hostilities may now be considered as commenced, and I have this day deemed it necessary to call upon the governor of Texas for four regiments of volunteers."

Here is Captain Thornton's account of the affair:

"I discovered some Mexicans near a house in a large field. I halted the advance guard, and went into the field myself to see them. I had not gone more than a hundred yards when they fled; I turned round and motioned to the advanced guard to come on. In the mean time the main body of the squadron had come up to the advance guard, and, mistaking my order, followed in after them; and while I was questioning a Mexican the enemy appeared. I immediately ordered a charge, in order to cut my way through them; but finding their numbers too large to contend

* Letter of 23d April, *Ibid.*, p. 143.

with any longer, I ordered a retreat; and although entirely surrounded, we endeavored to cut our way through to camp. In the retreat my horse fell upon me, and I was unable to rise.

"As a prisoner of war, I am happy to inform you that attentions and kindness have been lavished upon me; as a proof of which, I will state that upon my reporting to General Arista that a dragoon had treated me rudely, he ordered him immediate punishment."*

Thus it is plain how they "became engaged," and that America not only committed the first act of war, by invading the territory of Mexico, but actually first commenced hostilities. It is true the President of Mexico on the 18th of April, had said "from this day begins our defensive war, and every part of our territory attacked or invaded shall be defended." On the 24th he issued his proclamation declaring that "hostilities have been commenced by the United States, in making new conquests upon our territories within the boundaries of Tamaulipas and New Leon. I have not the right to declare war."† The same day General Arista informed General Taylor that he "considered hostilities commenced and should prosecute them."‡ It was on that very day that the two parties "became engaged," as we have shown above.

General Taylor's letter of April 26th, reached Washington on Saturday, May 9th; on Monday, Mr. Polk sent a Message to Congress and declared that:—

"War exists, and notwithstanding all our efforts to avoid it, exists by the act of Mexico"; "the Mexican Government have at last invaded our territory, and shed the blood of our fellow-citizens on our own soil"; "we have been exerting our best efforts to propitiate her good will"; "we have tried every effort at reconciliation." "The cup of forbearance had been exhausted even before the recent information from the frontier of the Del Norte. But now Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil."‡

Documents accompanied the Message. Mr. Winthrop proposed they should be read. No. In a very short time a bill passed the House placing the Army and Navy at the President's disposal, authorizing him to raise 50,000 volunteers, and

* Captain Thornton's letter to General Taylor, April 27th. See, also, Captain Hardee's letter, April 26th, *Ibid.*, pp. 290, 291, *et seq.*

† Jay, p. 142.

‡ Mr. Polk's Message of May 11th, *ubi sup.*, p. 8. See, also, Porter, *ubi sup.*, chapter VIII.

putting in his hands \$10,000,000, for the purpose of enabling him to "prosecute said war to a speedy and successful termination." In the Senate, the same bill passed the next day. The preamble was in these memorable words: "Whereas, by the act of the Republic of Mexico, war exists between that government and the United States." In the House, fourteen voted against the bill, and two in the Senate. Six of the sixteen were from Massachusetts, two were from other parts of New England, and five from Ohio, one of her daughter states.*

The history of the war is well known. It was conducted with great vigor; on the whole, with great military skill, and with as much humanity as could be expected. War at best, is prolonged cruelty. Still we have read of no war conducted with less inhumanity than this. Some acts of wantonness were certainly committed. The capture of Tabasco is an example. The conduct of the volunteers was often base and revolting.† General Taylor was furnished with a proclamation, to distribute in Mexico, designed to foment discord, to promote hostility between the rich and poor. Their leaders were called "tyrants," and "their real purpose" was "to proclaim and establish a monarchy." Colonel Stevenson was told to make the people "feel that we come as deliverers; their rights of person, property, and religion must be respected and sustained." General Kearney proclaimed: "It is the wish and intention of the United States to provide for New Mexico a free Government,—similar to those in the United States." "We shall want from you," says General Taylor's proclamation, "nothing but food for our army, and for this you shall always be paid in cash the full value." ("*y esto os será siempre pagado en dineros y por su valor entera.*")‡ But on the 9th of July, General Taylor was told in a "confidential" letter:—

"You will also readily comprehend that in a country so divided into races, classes, and parties, as Mexico is, and with so many local divisions among departments, and personal divisions among

* Here are the names. In the Senate, — *Thomas Clayton*, Delaware; *John Davis*, Massachusetts. In the House, — *John Quincy Adams*, *George Ashmun*, *Joseph Grinnell*, *Charles Hudson*, *Daniel P. King*, of Massachusetts; *Henry P. Cranston*, Rhode Island; *Luther Severance*, Maine; *Erastus D. Culver*, New York; *John Straham*, Pennsylvania; *Columbus Delano*, *Joseph M. Root*, *Daniel R. Tilden*, *Joseph Vance*, *Joshua R. Giddings*, Ohio.

† See many examples in *Jay*, p. 223, et seq.

‡ Executive Document, *ubi sup*, p. 167, and 285.

individuals, there must be great room for operating on the minds and feelings of large portions of the inhabitants, and inducing them to wish success to an invasion which has no desire to injure their country; and which, in overthrowing their oppressors, may benefit themselves. Between the Spaniards, who monopolize the wealth and power of the country, and the mixed Indian race, who bear its burdens, there must be jealousy and animosity. The same feelings must exist between the lower and higher orders of the clergy; the latter of whom have the dignities and the revenues while the former have poverty and labor. . . . In all this field of division—in all these elements of social, political, personal, and local discord—there must be openings to reach the interests, passions, or principles of some of the parties, and thereby to conciliate their good will, and make them coöperate with us in bringing about an honorable and speedy peace.

"Availing yourself of divisions which you may find existing among the Mexican people—to which allusion has been made—it will be your policy to encourage the separate departments or States, and especially those which you may invade and occupy, to declare their independence of the central government of Mexico, and either to become our allies, or to assume, as it is understood Yucatan has done, a neutral attitude in the existing war between the United States and Mexico.

"It is far from being certain that our military occupation of the enemy's country is not a blessing to the inhabitants in the vicinity.*"

She is told that "to require" supplies "as contributions without paying or engaging to pay therefor" is the ordinary mode; "and you are instructed to adopt it, if in that way you are satisfied you can get abundant supplies for your forces."

It seems that \$3,844,000 was thus and in various other ways taken from the Mexicans.† Grave Senators doubted that the President had the right to legislate and levy contributions in Mexico, or elsewhere, without act of the Legislature, but *cedant togæ armis!* Yet Mr. Buchanan could say on the 6th of October, 1847, "We have paid fair and even extravagant prices for all the supplies which we have received."‡

The war once begun it was to be prosecuted to a "successful termination;" that is, to the dismemberment of Mexico. Captain Sloat lands at Monterey, on the Pacific coast of Mex-

* Letter of Mr. Marcy, July 9th and Sept. 22d, 1846, *ubi sup.*, p. 333, *et seq.*, and 341, *et seq.* See, also, "more of the same sort," in Executive Document, No. 14, 30th Congress, 1st Session, p. 5, *et seq.*

† Jay, p. 238, and Executive document No. 1, 30th Congress, 1st Session, p. 17.

‡ Executive Document, No. 52, 30th Congress, 1st Session, p. 92. See also p. 124.

ico, on the 7th of July 1846, issues his proclamation and declares that, "henceforward California will be a portion of the United States, . . . and the same protection will be extended to them as to the other States of the Union." * Commodore Stockton sets up his "Ebenezer" at Ciudad de los Angeles on the 17th of August, 1846, and says, "I, Robert F. Stockton, . . . do hereby make known to all men, . . . do now declare it [Upper and Lower California,] to be a Territory of the United States, under the name of the Territory of California." † Here is annexation without the least delay; swift enough to satisfy even South Carolina.

One pleasant thing we find in looking through the disagreeable and often hypocritical documents connected with the Mexican war. That is, the instructions sent by Mr. Bancroft to Commodore Connor, July 11th, 1845:—

"This is, perhaps, the largest fleet that ever sailed under the American flag; and while it is sufficient, in case of war, to win glory for yourself, your associates, and the country, you will win still higher glory, if, by the judicious management of your force, you contribute to the continuance of peace." ‡

In his second annual message, Dec. 8th, 1846, Mr. Polk said, "the war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure an ample indemnity for the expenses of the war." § But in the message of Dec. 7th, 1847, he says, "as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves, by appropriating permanently a portion of her territory." "New Mexico and California were taken possession of by our forces;" "I am satisfied that they should never be surrendered to Mexico." || Some one said to General Pillow, "I thought the object of your movement in this war was a treaty of peace." "True," (replied General Pillow) "that is the object of the war; but the object of *this campaign* was, to capture the capital, and then make peace;" ¶ again, "*this*

* Executive Document, No. 60, *ubi sup.*, p. 261.

† Ibid, p. 268.

‡ Executive Document, No. 60, *ubi sup.* p. 232.

§ Executive Document, No. 4, 29th Congress, 2nd Session, p. 22.

|| See Executive Document, No. 1, 30th Congress, 1st Session, p. 12.

¶ Trist's Letter to Buchanan, in Executive Document, No. 22, 30th Congress, 1st Session, p. 265.

army has not come to conquer *a peace*; it has come to conquer the country;" we will make them *dine* and *sup* on the horrors of war.* The statements of Mr. Polk require no comment. We do not wish to apply to them the only word we know in the English tongue which describes them.

We shall say nothing of the conduct of the administration during the war; nothing of the introduction of Santa Anna into Mexico; nothing of its quarrels with its officers, or their quarrels with one another; nothing of the contracts made with individuals for ships and other things needful in the war. The documents in the margin contain some remarkable things.† The President made the war, and Mr. Nicholas P. Trist, "a Secretary in the department of State," made the peace. As the war was begun by Mr. Polk without legal authority, so the treaty was made without legal authority. The Senate confirmed it.

There is one valuable provision in the treaty, designed to prevent depredations on private property in case of war, and other gratuitous cruelty.‡ One or two things in the correspondence of Mr. Trist are too remarkable to pass by. June 2d, 1847, he writes to Mr. Buchanan, speaking of a certain boundary:

"It includes a vast and rich country, with many inhabitants. It is too much to take. The population is mostly as dark as our mulattoes, and nominally free, and would be actually so under our government. The North would oppose taking it lest slavery should be established there; and the South lest its colored population should be received as citizens, and protect their runaway slaves."

Again, Sept. 4:

"Among the points which came under discussion was the exclusion of slavery from all territory which should pass from Mexico. In the course of their remarks on the subject, I was told

* *Ibid*, p. 275.

† See Executive Documents, Nos. 1 and 60, 30th Congress, 1st Session, (correspondence with Generals Taylor and Scott;) Nos. 33 and 65, (trial of Lieutenant-Colonel Fremont and Major-General Pillow;) No. 29, (contracts under authority of the War Department;) and No. 52, (correspondence of Mr. Trist and others relative to the negotiation of a treaty with Mexico.)

‡ Articles XXII. and XXIII. of the Treaty, Executive Document, No. 52, 30th Congress, 1st Session, p. 62, *et seq.* The ideas and language thereof are copied from the celebrated treaty of 1785, between the United States and Prussia. See the treaty (negotiated by Franklin, Jefferson, and Adams, ratified by Congress May 17th, 1786,) in *Secret Journal of Congress*. Boston. 1821. Vol. IV. pp. 25-43. (Article XXIII. *et seq.*)

that if it were proposed to the people of the United States to part with a portion of their territory, in order that the *inquisition* should be therein established, the proposal could not excite stronger feelings of abhorrence than those awakened in Mexico by the prospect of the introduction of slavery in any territory parted with by her. Our conversation on this topic was perfectly frank, and no less friendly; and the more effective upon their minds, inasmuch as I was enabled to say, with perfect security, that although their impressions respecting the practical fact of slavery, as it existed in the United States, were, I had no doubt, entirely erroneous; yet there was probably no difference between my individual views and sentiments on slavery, considered in itself, and those which they entertained. I concluded by assuring them that the bare *mention* of the subject in any treaty to which the United States were a party, was an absolute impossibility; that no President of the United States would dare to present any such treaty to the Senate; and that if it were in their power to offer me the whole territory described in our project, increased tenfold in value, and, in addition to that, covered a foot thick all over with pure gold, upon the single condition that slavery should be excluded therefrom, I could not entertain the offer for a moment, nor think even of communicating it to Washington. The matter ended in their being fully satisfied that this topic was one not to be touched, and it was dropped, with good feeling on both sides.”*

America had Mexico entirely at her mercy, and wanted “indemnity for the past, and security for the future;” “indemnity for the cost of the war.” She took California and New Mexico. The portion of the territory West of the Rio Grande, according to Mr. Walker’s statement, amounts to 526,078 square miles, or 336,689,920 acres; (Texas, within its “assumed limits,” contains 325,529 square miles, or 208,332,800 acres.) † For this, the United States are to pay Mexico \$15,000,000, and abandon all the celebrated claims which Mr. Slidell estimated at \$8,187,684, paying to our citizens, however, not more than \$3,250,000. Taking the smallest sum—the United States pays Mexico for the territory \$18,250,000, and throws in the cost of the war—that being set off, it is likely, against the “imperishable glory” with which the soldiers have “covered themselves.” Certainly, we must be in great want of land to refuse to pay more than our “claims,” and \$25,000,000, and then actually pay the “claims” and 15,000,000, flinging in all the cost of the

* Executive Document, No. 52, 30th Congress, 1st Session, p. 199.

† Executive Document, No. 70, 30th Congress, 1st Session, p. 9.

war, and the loss of 1,689 persons killed in battle, or perishing of their wounds received therein, and 6,173 who had died by disease and accidents.*

If England had one of her victims as completely at her feet as Mexico lay helpless at ours, she would have demanded all the public property of Mexico, a complete "indemnity for the cost of the war," and a commercial treaty highly disadvantageous to Mexico, and highly profitable to England. Why was Mr. Polk so moderate? Had the administration become moral, and though careless of the "natural justice" of the war, careful about justice in the settlement? We wish we could think so. But there were a few men in the land hostile to the war; some because it was WAR, some because it was a WICKED war. These men, few in number, obscure in position, often hated, and sometimes persecuted, reproached by the President as affording "aid and comfort to the enemy," being on the side of the Eternal Justice, had IT on their side. The moral portion of both political parties—likewise a small portion, and an obscure, not numbering a single eminent name,—opposed the war, and the government trembled. The pretensions of the South, her arrogance, her cunning, awakened at last the tardy North. Men began to talk of the "Wilnot Proviso;" of restricting slavery. True, some men fired by the Instinct for Office cried "be still," and others, fired with the Instinct for Gold, repeated the cry, "be still." There were those who had the Instinct for Justice and they would not be still; no, nor will not; never. The slaveholders themselves began to tremble—and hence the easy conditions on which Mexico was let off.

The cost of the war it is not easy, or perhaps possible, at this moment, to make out; † but we can ascertain the sums already paid. The cost of the army and navy for the three years ending 30th June, 1846, was \$37,615,879.15; for the three years ending 30th June, 1839, \$100,157,128.25. The difference between them is a part of the cost of the war, and amounts to \$62,541,249.10. There have been paid for "Mexican War Bounty Scrip," \$233,075; a part of the money obtained from Mexico, say \$3,000,000; 65,000 land warrants, each for 160 acres of land, at \$1.25 per acre, (by

* Executive Document, No. 36, 30th Congress, 1st Session.

† See, who will, a Sermon of the Mexican War, &c., &c., by Theodore Parker. (Boston. 1848.) pp. 10, *et seq.*, and 17, *et seq.*

Act of 11th Feb., 1847,) \$13,000,000, making \$16,233,075 more. The whole thus far amounts to \$78,774,324.10. About 25,000 more land warrants, it is thought, will be required, at a cost of \$5,000,000. No man can now estimate the sum which will be required for pensions. If we set down the whole direct cost to the nation at \$200,000,000, we think we shall not be far out of the way. This is a tax of \$10 on each person in the United States, bond or free, old or newly born, rich or poor; like all other taxes, it is ultimately to be paid by the labor of the country, by the men who work with their hands, chiefly by poor men. The twenty million-headed nation, blindly led by guides not blind, little thought of this when they shouted at each "famous victory," and denounced humble men who both considered the "natural justice" of the war, and counted its cost.

Mr. Polk refused his signature to three bills passed by Congress; one making "appropriations for the improvement of certain harbors and rivers," one for the ascertainment and satisfaction of "claims of American citizens" on France before the 31st of July, 1801, a third "for continuing certain works in the territory of Wisconsin, and for other purposes."* It is a little remarkable to find a man who commenced war upon Mexico, by invading her territory, seized with such scruples about violating the Constitution while paying an honest debt. The Constitution which can be violated to promote Slavery, can easily afford an excuse for the neglect of justice.

Facile invenit fustem qui vult cedere canem.

Mr. Polk found the nation with a debt of \$17,075,445.52, he left it with a debt of \$64,938,400.70. That was the debt on the 4th of March, 1849, including the \$2,193,500 of the loan of 1848, subsequently paid in.

Mr. Polk has gone to the Judge of all men, who is also their Father. The hurra of the multitude, and the applause of an irresponsible party are of no more value than the water which a Methodist minister sprinkled on the head of the dying man. His wealth became nothing; his power and his fame went back to those that gave; at the grave's mouth his friends, and he had friends, forsook him, and the monarch of

* See his Special Messages of August 3d, 1846, August 8th, 1846, and December 15th, 1847.

the nation, the master of negro slaves, the author of a war, was alone with his God. Not a slave in the whole wide world would have taken his place. But God sees not as man. Here let us leave him, not without pity for his earthly history — not without love for a brother man whose weakness, not his wickedness, wrought for our nation such shame and woe.

Of his administration in general, we would say little. He proved by experiment that his was "a nomination not fit to be made;" not fit to be confirmed after the convention had made it; he demonstrated by experiment the folly of putting a little man into a great man's place; the folly of taking the mere creature of a party to be the President of a nation. It was not the first time this had been done, not the last. Yet such is the structure of government and society in America, such the character of the people, so young, so free, so fresh, and strong — that not even such an administration as Mr. Polk's can permanently impede the nation's march. Cattle and corn were never more abundant. Foreigners came here in great numbers, 229,483 in the year ending 30th September, 1848. Our total increase must have been considerably more than half a million a year. Not long ago men sneered at America — a Republic could not hold its own, or only with men like Washington at its head. But in 1848, when the nations of Europe were convulsed with revolutions, whose immediate failure is now the joy of the enemies of mankind, west of the ocean not less than east thereof — America stood firm, though her nominal guide was only James K. Polk. Ours is the most complicated government in the world, but it resembles the complication of the human body, not that of a fancy watch. Our increase in wealth was greater far than our proportionate growth of numbers. When trade is free, and labor free, and institutions for all men, there is no danger that men will multiply faster than bread to fill their mouths. This is God's world and not the Devil's.

We are a new people in a new world; flexible still, and ready to take the impress of a great Idea. Shame on us that we choose such leaders; men with no noble gifts of leadership, no lofty ideas, no humane aims; men that defile the continent with brother's blood most wickedly poured out! The President of the Democrats showed himself the ally of the Autocrats of the East who

"wade through slaughter to a throne,
And shut the gates of mercy on mankind."

The good things of Mr. Polk's administration we have spoken of and duly honored; the abomination thereof—whence came that? From the same source out of which so much evil has already come: from Slavery. A nation, like a man, is amenable to the Law of God; suffers for its sin, and must suffer till it ends the sin. In the North National Unity of Action is preserved with little sacrifice of individual Variety of Action; the Union of the People and the Freedom of the Person are carefully kept secure. Hence each man has as much freedom as he can have in the present state of physical, moral, and social science. But in the South it is not so; there in a population of 7,334,431 persons, there are 2,486,326 slaves; so if the average amount of freedom in the North be represented by *one*, in the South it will be but about two-thirds; * it is doubtful that the inhabitants of any part of Europe, except Russia and Turkey have less. Think you, oh reader, while we thus trample on the rights of millions of men, we shall not suffer for the crime? No! God forbid that we should not suffer.

There are two things the nation has to fear—two modes of irresponsible power. One is the POWER OF PARTY; one the POWER OF GOLD. Mr. Polk was the creature of a party; his Ideas were Party Ideas, his Measures Party Measures, his Acts Party Acts, himself a Party man. A Party can make a President, as a heathen his idol, out of any thing; no material is too vulgar; but a Party cannot make a great man out of all the little ones which can be scented out by the keenest convention which ever met. The Democratic party made Mr. Polk; sustained him; but no huzzas could make him a great man, a just man, or a fair man. No King is more tyrannical than a Party when it has the power; no despot more irresponsible. The Democrats and Whigs are proof of this. One has noble instincts and some noble ideas—so had the other once; but consider the conduct of the Baltimore convention in 1844; their conduct for five years after. Consider the convention of Philadelphia in 1848, and the subsequent conduct of the Whigs! This irresponsible Power of Party has long been controlled by the South, for various reasons named before.

The irresponsible Power of Gold appears in two forms, as it

$$\frac{* 4,848,105}{7,134,431} = .661+$$

is held by Individuals or Corporations. The Power of Gold when vast sums are amassed by a single individual, who owns more property than five counties of Massachusetts, is certainly dangerous, and of an evil tendency. But yet as the individual is transient, it is not presently alarming; a wise law, unwelcome often to the rich man, limits his control to a few years. His children may be fathers of poor men. But when vast sums are held by a Corporation, permanent in itself, though composed of fleeting elements, this power, which no statute of Mortmain here holds in check, becomes alarming as well as dangerous. This Power of Gold belongs to the North and is likewise irresponsible.

Sometimes the two help balance, and counteract one another. It was so in the administration of Jackson and Van Buren. Jackson set the Power of Party to smite the Power of Gold. Even Mr. Polk did so in two remarkable instances. But this is not always to be expected: the two are natural allies. The Feudalism of Birth — depending on a Caucasian descent, and the Feudalism of Gold, depending on its dollars, are of the same family, only settled in different parts of the land; they are true yoke-fellows. The Slaveocracy of the South, and the Plutocracy of the North, are born of the same mother. Now, for the first time for many years, they have stricken hands; but the Northern Power of Gold at the Philadelphia Convention was subjugated by the Southern Power of Party, and lent itself a willing tool. Together they have selected the man of their choice, confessedly ignorant of politics, of small ability, and red with war; placed him on the throne of the nation. The Slaveocracy and the Plutocracy each gave him its counsel. By his experiment he is to demonstrate his fitness, his impotence, or his crime. He is on trial before the nation. It is not ours to judge, still less to *prejudge* him. Let General Taylor be weighed in an even balance. We trust that some one, four years hence, will report on his administration with as much impartiality as we have aimed at, and with more power to penetrate and judge. We wish there might be a more honorable tale to tell of the first mere military chief the nation ever chose. There are great problems before the nation — involving the welfare of millions of men. We pause, with hope and fear, for the Whigs to solve them as they can.

ART. IX.—SHORT REVIEWS AND NOTICES.

1. — *Ten Discourses on Orthodoxy.* By JOSEPH HENRY ALLEN, Pastor of the Unitarian Church, Washington, D. C. Boston : Crosby & Nichols. Washington : Taylor & Maury.

THIS is a very strong book ; we hardly know one so strong on the subjects which it treats. Although the community may have been well nigh surfeited, the last thirty years, with discourses longer or shorter, wise or foolish, profound or shallow, on the Trinity, Human Depravity, Atonement, Endless Punishment, and the Infallibility of the Bible, we would yet advise that Mr. Allen's volume should be read, yes, studied. It is a small book, but it will take time to peruse it thoroughly. It is full of great thoughts, of large, discriminating views of divine truth, and of the attempts that have been made to apprehend and express that truth. We cordially commend it to all who, whether orthodox or heterodox, really wish to be enlightened upon subjects of the highest moment ; subjects which may have been made distasteful to many by the servile manner in which they have been too often treated.

With all his modesty, — and that is apparent on every page, — Mr. Allen is a courageous man. He seems to be afraid of nothing but error. He has evaded nothing that came in his way ; and has exposed himself, on every hand, to the abettors of many long-cherished opinions. We honor him for his frankness, as much as we love him for his kindness. He has, in almost every instance, done strict and even justice to the opinions he has brought under examination.

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 Chr. Keferstein, *Ansichten über die Keltischen Alterthümer, &c., &c.* Halle. 1846—48. 2 vols. 8vo.
 W. Adolf Schmidt, *Geschichte der Denk- und Glaubensfreiheit im ersten Jahrhundert . . . des Christenthums.* Berlin. 1847. 2 vols. 8vo.
 F. A. Staudenmaier, *Die Christliche Dogmatik.* Freiburg im Breisgau. 1844—1849. 3 vols. 8vo.
 Gustav Klemm, *Allgemeine Cultur-Geschichte der Menschheit, Vol. VI (China und Japan) VII. (Das Morgenland.)* 8vo.
 J. Scheible, *Das Kloster, Weltlich und Geistlich.* Stuttgart. 1849. Vol. XI. and XII. 12mo.

E. J. B. Rathéry, *Histoire des Etats généraux de France*, &c., &c. Paris. 1847. 8vo.

William Cureton, &c., &c., *Corpus Ignatianum: a Complete Collection of the Ignatian Epistles*, &c., &c., in Syriac, Greek, and Latin, &c., &c., with copious notes and an Introduction. London. 1849. 1 vol. royal 8vo.

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G. C. Hebbe, LL. D., *An Universal History in a Series of Letters*, being a complete and impartial Narrative of the most remarkable events of all Nations, forming a complete History of the World. New York. 1848-9. Vols. I. and II. 8vo. [This is an original and valuable work. The author is a Swede, an independent and original thinker. The work will be complete in twelve or fourteen volumes. We shall speak at length of it in a future number.]

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Charles T. Porter, *Review of the Mexican War*, &c., &c. Auburn. 1849. 12mo.

Angel Voices, or Words of Counsel for Overcoming the World, &c., &c. Second Edition, revised and enlarged. Boston. 1849. 16mo.

PAMPHLETS.

William W. Bowditch, *Slavery and the Constitution*. Boston. 1849. 8vo. pp. 156.

Philip Berry, *A Review of the Mexican War on Christian Principles, and an Essay on the Means of Preventing War*. Columbia, S. C. 1849. 8vo. pp. vi. and 87. [He thinks "that our national course . . . was morally and politically objectionable," but the persons "officially concerned" in making or conducting it "may be acquitted of peculiar personal blame in their contribution to the national error."—p. 2. The book has some good things.]

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S. E. Brownell, *The Herman and Dorothea and the Alexis and Dora of Goethe, &c.* New York. 1849. 8vo. pp. 48. [This work is too well done to appear in such a melancholy form.]

John Pierpont, "The Address to the People" at the Installation of Rev. H. A. Miles, &c., &c. 2nd Edition. Boston. 1849. 8vo. pp. 8.

Report of the Committee on the Library in Relation to the Donations received from the City of Paris, &c., &c. Boston. 1849. 8vo. pp. 12.

Josiah Warren, *Equitable Commerce: a new Development of Principles . . . for the Pecuniary, Intellectual, and Moral Interchange of Mankind,—as Elements of a new Society.* 2nd Edition. Boston. 8vo. pp. 63.

George R. Russell, *The Merchant: an Oration before the R. G. Alpha of the Phi Beta Kappa Society at Providence, September 4th, 1849.* Boston. 1849. 8vo. pp. 60. [This is a modest, humane, and beautiful oration; giving a brief but valuable and interesting history of commerce, and showing its office in the economy of the Human Race.]

Robert C. Winthrop, *An Address . . . before the Maine Historical Society at Bowdoin College, on . . . September 5th, 1849.* Boston. 1849. 8vo. pp. 63. [Contains an important and valuable contribution to the history of the Bowdoin family.]

Samuel J. May, *The Flood; a Sermon.* Boston. 1849. 8vo. pp. 13.

The Seventh Vial; consisting of brief comments on various Scriptures, &c. &c. By the author of *Millennial Institutions*. Springfield. 8vo. pp. 194 and 17 [with the plan of the frame of a city after Ezekiel, Chap. XL.]

William W. Newman, *Moral, Religious, and Sectarian Education: a Lecture . . . to the Onondaga County Teachers' Institute, October, 1848.* Syracuse. 1848. 12mo. pp. 36.

A Letter to a Young Man who has just entered College from an Old One who has gone through. Boston. 1849. 12mo. pp. 40.

Henry M. Field, *The Good and Bad in the Roman Catholic Church, &c., &c.* New York. 1849. 12mo. pp. 34.

Equality. West Brookfield. 1849. 12mo. pp. 74. [This is a valuable and keen criticism on the Currency, and Institutions, and Practices connected with it, showing how easily Capital prevails over Labor. We regret to have no space for extracts.]

Charles K. Whipple, *Sunday Occupations.* Boston. 1849. 12mo. pp. 60.

William B. Hayden, *The Character and Works of Christ.* Boston. 1849. 12mo. pp. 84.